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# PENNSYLVANIA BULLETIN

Volume 38

Number 15

Saturday, April 12, 2008 • Harrisburg, PA

Pages 1693—1802

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Resources  
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State Board of Cosmetology  
State Board of Education  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons

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**No. 401, April 2008**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement No. 66; Disciplinary Rules Doc. No. 1

##### Order

*And Now*, this 1st day of April, 2008, it is hereby  
*Ordered* that:

(1) Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement are amended in the following form;

(2) These amendments shall be effective for the 2008-2009 assessment and shall continue until further Order of this Court; and

(3) Pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, the immediate amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement is required in the interest of efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

RONALD D. CASTILLE,  
*Chief Justice*

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 219. Periodic assessment of attorneys; voluntary inactive status.

(a) Every attorney admitted to practice law in this Commonwealth, other than a military attorney holding a limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys), shall pay an annual fee of [ \$130.00 ] \$140.00 under this rule. The annual fee shall be collected under the supervision of the Administrative Office, which shall send and receive, or cause to be sent and received, the notices and statements provided for in this rule. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

\* \* \* \* \*

### Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY

#### GENERAL PROVISIONS

#### Rule 502. Pennsylvania Lawyers Fund for Client Security.

\* \* \* \* \*

(b) *Additional assessment.* Every attorney who is required to pay an annual assessment under Rule 219 (relating to periodic assessment of attorneys; voluntary inactive status) shall pay an additional annual fee of [ \$45.00 ] \$35.00 for use by the Fund. Such additional annual assessment shall be added to, and collected with and in the same manner as, the basic annual assessment, but the statement mailed by the Administrative Office pursuant to Rule 219 shall separately identify the additional assessment imposed pursuant to this subdivision. All amounts received pursuant to this subdivision shall be credited to the Fund.

\* \* \* \* \*

[Pa.B. Doc. No. 08-662. Filed for public inspection April 11, 2008, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1000 ]

#### New Rule 1036.1 Governing Reinstatement of a Claim Dismissed upon an Affidavit of Noninvolvement; Proposed Recommendation No. 231

The Civil Procedural Rules Committee proposes that new Rule of Civil Procedure 1036.1 governing reinstatement of a claim dismissed upon an affidavit of noninvolvement be promulgated as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than May 23, 2008 to:

Karla M. Shultz  
Counsel

Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

## Annex A

## TITEL 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## CHAPTER 1000. ACTIONS

## PLEADINGS

**Rule 1036.1. Reinstatement of Claim Dismissed upon Affidavit of Noninvolvement.**

(a) As used in this rule, "action" shall have the meaning as provided in Rule 1036(a).

(b) If a party has been dismissed from an action upon an affidavit of noninvolvement pursuant to Rule 1036, any other party may file a motion to reinstate the dismissed party setting forth facts showing that statements made in the affidavit of noninvolvement were false or inaccurate.

(c) Any party opposing the motion may file a response.

(d) Upon reviewing the motion and any response thereto and determining the existence of a prima facie case of involvement of the dismissed party, the court shall enter an order.

(1) allowing any party opposing the motion.

(i) to conduct limited discovery directed solely to the issue of the involvement of the party which was dismissed.

(ii) prior to the disposition of the motion, to file affidavits, depositions and such other evidentiary materials as would permit a jury to find that any party which was dismissed was involved in any activities upon which the claim is based, and

(2) scheduling an argument to decide the motion.

(e) The argument shall be limited to the sole issue of whether the moving party has produced evidence which, when considered in a light most favorable to that party, would require the issue of the involvement of any party which was dismissed to be submitted to the jury.

**Explanatory Comment**

Reinstatement of a claim dismissed upon an affidavit of noninvolvement is required by two statutes: Section 7502 of the Judicial Code, 42 Pa.C.S. § 7502, relating to construction design professionals and Section 506 of the MCARE Act, 40 P.S. § 1303.506, relating to healthcare providers. Currently, the rules of civil procedure are silent as to reinstatement. Proposed new Rule 1036.1 is intended to supply this need.

The proposed new rule sets forth a procedure that requires the party seeking reinstatement to file a motion setting forth facts which show that statements made in the affidavit of noninvolvement were false or inaccurate. Upon initially reviewing the motion, if the court determines that the party seeking reinstatement has established a prima facie case, that party may conduct discovery limited to the issue of the involvement of the dismissed party. At final argument on the matter, the court makes a determination as to whether the party

seeking reinstatement has produced enough evidence to require submission of the issue of the involvement of the dismissed party to the jury.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 08-663. Filed for public inspection April 11, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

## PIKE COUNTY

**Promulgation of Local Rule 117; No. 42-2008-Civil****Order**

*And Now*, this 20th day of March, 2008, the Court *Orders* the following Rules of this Court are Rescinded and Reconfirmed as follows:

1. Amended Local Rule 117, which was published in the *Pennsylvania Bulletin* Volume 38 Number 4, dated January 26, 2008 is hereby rescinded.

2. Local Rule 117, which was published in the *Pennsylvania Bulletin* Volume 36 Number 51, dated December 23, 2006 is hereby reconfirmed.

3. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

HON. JOSEPH F. KAMEEN,  
*President Judge*

### **Local Rule 117—Coverage: Issuing Warrants; Preliminary Arraignments; and Setting and Accepting Bail.**

(a) Magisterial District Judge Offices shall be open for regular business Monday through Friday, excluding holidays, during such hours as established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

(b) Magisterial District Judges shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for the issuance of warrants, the holding of preliminary arraignments, the setting and accepting of bail, and the issuance of emergency orders under the Protection from Abuse Act.

This rule shall be satisfied by the Magisterial District Judge remaining on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator

(c) An on-call Magisterial District Judge, while on-call, and the Clerk of Courts, during business hours, are authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

**Amended Local Rule 117—Coverage: Issuing Warrants; Preliminary Arraignments; and Setting and Accepting Bail. (RESCINDED)**

(A) Each Magisterial District Court shall be open for regular business Monday through Friday, excluding holidays, during such hours as established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

(B) Magisterial District Judges shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for issuance of warrants, setting and acceptance of bail and the issuance of emergency orders under the Protection from Abuse Act.

This rule shall be satisfied by the Magisterial District Justice remaining on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator.

(C) Each Magisterial District Court during regular business hours, an on-call Magisterial District Justice while on-call, and the Clerk of Courts during business hours, are authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

(D) A Magisterial District Justice assigned to on-call duty shall be available for preliminary arraignments in accordance with the following schedule:

(1) For arrests occurring after the close of regular business hours but before 8:00 p.m., and for arrests occurring on weekends or holidays between 8:00 a.m. and 8:00 p.m. the Magisterial District Judge shall respond to the call and conduct a preliminary arraignment prior to detention at the Pike County Correctional Facility.

(2) Arrests occurring after 8:00 p.m. but before 8:00 a.m. shall be subject to the following rules:

a. For all cases requiring District Attorney approval for filing of the Complaint as provided for in Local Criminal Rule 507, the Magisterial District Justice shall respond to the call by conducting a preliminary arraignment prior to detention at the Pike County Correctional Facility;

b. For arrests requiring preliminary arraignment but not set forth in paragraph D(2)(a), the arresting agency, including the state police, municipal police, sheriff or constable is authorized to detain the prisoner at the Pike County Correctional Facility until 8:00 a.m. the following

morning. For Defendants so detained, the on duty Magisterial District Justice shall appear in person or by video conferencing at the Pike County Correctional Facility at 8:00 a.m. to preside at the Preliminary Arraignment;

c. Prior to detaining a prisoner at the Pike County Correctional Facility under this Rule, the arresting agency shall contact the facility to ascertain that adequate detention facilities are available for temporary detention in accordance with this Rule. If no detention facilities are available at the facility, then the arresting agency shall notify the Magisterial District Judge of that fact and a preliminary arraignment shall be required prior to detention or commitment to the facility.

d. The arresting agency detaining the Defendant shall provide to the Magisterial District Justice the original and copies of the Criminal Complaint with Probable Cause Affidavit attached, a copy of the Defendant's criminal record, and any recommendation regarding bail for the Defendant, by depositing the same at the Pike County Correctional Facility and faxing copies to the Magisterial District Court Office.

e. The arresting officer or officers need not appear at the Preliminary Arraignment provided the documents identified in paragraph 4(d) are provided. In the alternative, the arresting officer may appear at the Preliminary Arraignment in lieu of prior submission of the criminal record or bail recommendation forms. However, no person shall be detained under this rule without the completion and submission of a completed criminal Complaint and Affidavit of Probable Cause which shall be delivered to the Pike County Correctional Facility for use by the Magisterial District Justice.

f. The provisions of this Rule allowing for temporary detention of prisoners shall not apply to the performance of any other duties on the on-duty Magisterial District Justice during the hours of 8:00 p.m. to 8:00 a.m.

(3) The Pike County Correctional Facility is directed to identify a detention area for prisoners so detained in accordance with the Standard Operating Procedures of the Pike County Correctional Facility for temporary detention of individuals at the Facility.

(4) The Pike County Correctional Facility is directed to make available to the on-duty Magisterial District Justice appropriate space or video conferencing availability between the hours of 8:00 a.m. and 9:00 a.m. to perform the Preliminary Arraignment at the Facility.

(5) Upon completion of the Preliminary Arraignment, the detention authorized by this Rule shall terminate and the person detained shall be processed in accordance with the Orders of the Magisterial District Justice at the Preliminary Arraignment.

(6) If the Preliminary Arraignment is done by video conferencing, upon completion of the Preliminary Arraignment, copies of all commitment orders, bail orders, etc. shall be faxed from the Magisterial District Justice to the Facility, and the originals mailed to the facility on the next regular business day. If the Preliminary Arraignment is done at the Correctional Facility, original documents shall be provided to the Facility at the time of the Preliminary Arraignment.

[Pa.B. Doc. No. 08-664. Filed for public inspection April 11, 2008, 9:00 a.m.]

## YORK COUNTY

## CallTrack Implementation Fee; No. CP-67-AD-0000002-2008

## Administrative Order

*And Now, To Wit*, this 26th day of March, 2008, it is hereby ordered that a monthly fee be imposed on any probation or parole offender placed on CallTrack in lieu of direct officer contact in administrative cases. This fee will be \$6 per month in six month increments.

The York County Treasurer shall establish and administer a separate York County Adult Probation CallTrack Fund, consisting of those funds received from the CallTrack program.

*It Is Further Ordered* that, in accordance with Pa.R.C.P. 239, the District Court Administrator of York County, Pennsylvania, shall:

(a) File seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Rules Committee;

(d) Cause a copy hereof to be published one (1) time in the York Legal Record at the expense of the County of York; and

(e) Supervise and distribute hereof to all Judges and all members of the Bar of this Court.

*It Is Further Ordered* that copies of this Order are directed to: the Court of Common Pleas; J. Robert Chuk, the District Court Administrator; the York County Dis-

trict Attorney's Office; the York County Public Defender's Office; the York County Adult Probation Department; and the York County Treasurer's Office.

*By the Court*

RICHARD K. RENN,  
*President Judge*

[Pa.B. Doc. No. 08-665. Filed for public inspection April 11, 2008, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Andrew Michael Carroll of Voorhees, NJ, has been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated February 19, 2008, under Pennsylvania Rules of Disciplinary Enforcement 219, which requires that every attorney admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175. The Order became effective March 20, 2008.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 08-666. Filed for public inspection April 11, 2008, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121, 129 AND 145 ]

#### Clean Air Interstate Rule

The Environmental Quality Board (Board) by this order amends Chapters 121, 129 and 145 (relating to general provisions; standards for sources; and interstate pollution transport reduction) to read as set forth in Annex A.

The amendments adopt and incorporate by reference, with some exceptions, the Clean Air Interstate Rule (CAIR) nitrogen oxides (NOx) Annual Trading Program and CAIR NOx Ozone Season Trading Program model rules, as a means of mitigating the interstate transport of fine particulates (PM<sub>2.5</sub>) and NOx. The amendments also adopt and incorporate by reference the CAIR Sulfur Dioxide (SO<sub>2</sub>) Trading Program model rules as a means of mitigating the interstate transport of PM<sub>2.5</sub> and SO<sub>2</sub>. The amendments establish general provisions and the applicability, allowance and supplemental monitoring, record-keeping and reporting provisions and make other related amendments. The CAIR NOx Trading Programs in the amendments supersede the Commonwealth's existing NOx Budget Trading Program.

This order was adopted by the Board at its meeting of December 18, 2007.

#### A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. Contact Persons

For further information contact Randy Bordner, Air Quality Program Specialist, Bureau of Air Quality, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3921; or Kristen Campfield, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD) users or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) web site [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

#### C. Statutory Authority

The final-form rulemaking is being made under the authority of section 5 of the Air Pollution Control Act (APCA) (35 P.S. § 4005). Section 5(a)(1) of the APCA grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

#### D. Background of the Amendments

The purpose of this final-form rulemaking is to establish a program to limit the emission of NOx and SO<sub>2</sub> from electric generating facilities of 25 megawatts or greater. This final-form rulemaking also extends existing NOx emission permit limits for certain boilers, stationary combustion turbines and stationary internal combustion engines; retains the non-EGU NOx Budget Trading Pro-

gram budget to serve as a Statewide ozone season emissions cap for new and existing non-EGUs and for CAIR-exempt EGUs that were subject to the NOx Budget Trading Program; provides for the allocation of CAIR NOx allowances to certain units that did not receive SO<sub>2</sub> allowances under the Federal Acid Rain Program; and provides for the allocation of CAIR NOx annual allowances and CAIR NOx Ozone Season allowances to certain renewable energy and energy efficiency units.

The Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7642) contains a number of requirements to address PM<sub>2.5</sub> and 8-hour ozone National Ambient Air Quality Standards (NAAQS), including requirements that states address interstate transport that contributes to nonattainment. The United States Environmental Protection Agency (EPA) concluded that emissions in certain upwind states result in amounts of transported PM<sub>2.5</sub> and ozone and emission precursors for both (namely, NOx as a precursor for PM<sub>2.5</sub> and ozone, and SO<sub>2</sub> as a precursor for PM<sub>2.5</sub>) that contribute significantly to nonattainment in downwind states. The EPA determined that this Commonwealth is both an upwind and downwind state.

Section 110(a)(1) of the CAA (42 U.S.C.A. § 7410(a)(1)) requires that states submit State Implementation Plans (SIP) to meet the applicable requirements of section 110(a)(2) of the CAA within 3 years after the promulgation of a new or revised NAAQS or within a shorter period as the EPA may provide. Under section 110(a)(1) of the CAA, states are required to submit SIPs that satisfy the requirements of section 110(a)(2)(D)(i) of the CAA, regarding interstate transport of pollution. In 1997, the EPA adopted a NAAQS for PM<sub>2.5</sub> at 62 FR 38652 (July 18, 1997) and 8-hour ozone at 62 FR 38855 (July 18, 1997). On April 25, 2005, the EPA made National findings that states failed to submit the required SIPs to address interstate transport with respect to the PM<sub>2.5</sub> and 8-hour ozone NAAQS. See 70 FR 21147 (April 25, 2005). Publication of the EPA's findings started a 2-year time clock under section 110(c)(1) of the CAA in which the EPA would promulgate a Federal Implementation Plan (FIP) for a state that failed to submit a SIP approved by the EPA that satisfies the interstate transport requirements in section 110(a)(2)(D)(i) of the CAA within the 2 years.

On May 12, 2005, the EPA published the final CAIR rule in which the EPA issued findings that 28 states and the District of Columbia contribute significantly to nonattainment of the PM<sub>2.5</sub> or 8-hour ozone NAAQS, or both, in downwind states. See 70 FR 25162 (May 12, 2005), as amended at 71 FR 25328 (April 28, 2006). The EPA required these states and the District of Columbia to submit revised SIPs that include control measures to reduce emissions of SO<sub>2</sub> or NOx, or both, that significantly contribute to nonattainment of the PM<sub>2.5</sub> and 8-hour ozone NAAQS in downwind states. A state subject to the CAIR may independently determine which emissions sources to subject to controls and which control measures to adopt. The EPA included Statewide emission reduction levels in the final rulemaking, as well as model rules for multistate cap and trade programs for annual SO<sub>2</sub> and NOx emissions for PM<sub>2.5</sub> and for seasonal NOx emissions for ozone. In the rulemaking, the EPA also revised the Acid Rain Program regulations, particularly the regulatory provisions governing the SO<sub>2</sub> cap and trade program, to streamline that program and facilitate its interaction with the CAIR model SO<sub>2</sub> cap and trade program. The EPA also specified that the NOx SIP Call

cap and trade program, known as the NOx Budget Trading Program, will be replaced by the CAIR NOx Ozone Season Trading Program.

By way of background, the NOx SIP Call was promulgated in 1998 as the EPA's principal effort to reduce interstate transport of precursors for both the 1-hour and 8-hour ozone NAAQS. See 63 FR 57356 (October 27, 1998). The NOx SIP Call followed on the heels of the Ozone Transport Commission's (OTC) NOx Budget Trading Program, which was developed and adopted by the OTC member states, including the Commonwealth, as a regional approach to reducing NOx from large fossil-fueled combustion units. The Commonwealth adopted the OTC NOx Budget Trading Program in §§ 123.101—123.121 (relating to NOx allowance requirements). In the EPA's NOx SIP Call, the EPA imposed seasonal NOx reduction requirements on 22 states in the eastern part of the country (including this Commonwealth) and the District of Columbia. States subject to the NOx SIP Call submitted SIPs incorporating the NOx SIP Call requirements. The Commonwealth adopted the NOx Budget Trading Program in Chapter 145, Subchapter A (relating to NOx budget trading program) in response to the EPA's NOx SIP Call.

When ground-level ozone is present in concentrations in excess of the Federal health-based standard, public health is adversely affected. The EPA concluded that there is an association between ambient ozone concentrations and premature mortality, and increased hospital admissions for respiratory ailments, such as asthma. Further, although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activities that involve physical exertion. Though the symptoms are often temporary, repeated exposure could result in permanent lung damage. The implementation of measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health.

In addition to causing adverse health effects, the EPA concluded that ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, such as harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can also decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. The economic value of some welfare losses due to ozone can be calculated, such as crop yield loss from both reduced seed production and visible injury to some leaf crops, such as lettuce, spinach, tobacco, as well as visible injury to ornamental plants, such as grass, flowers or shrubs. Other types of welfare loss may not be quantifiable, such as reduced aesthetic value of trees growing in heavily visited parks.

Fine particulates, or PM<sub>2.5</sub>, are associated with a number of serious health effects, including premature mortality, aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular prob-

lems such as heart attacks and cardiac arrhythmia. The EPA estimated that attainment of the PM<sub>2.5</sub> standards would prolong tens of thousands of lives and would prevent, each year, tens of thousands of hospital admissions as well as hundreds of thousands of doctor visits, absences from work and school and respiratory illnesses in children. Individuals particularly sensitive to fine particle exposure include older adults, people with heart and lung disease and children.

The EPA tightened the 24-hour PM<sub>2.5</sub> standard in October 2006 and announced a more protective 8-hour ozone standard of 0.075 parts per million on March 12, 2008.

A number of petitions for review have been filed in the Federal Court of Appeals for the District of Columbia Circuit challenging various aspects of the CAIR. The cases have been consolidated into *State of North Carolina v. EPA*, Case No. 05-1244, which addresses CAIR-specific issues, and *Sierra Club v. EPA*, Case No. 06-1221, which addresses the EPA's response to North Carolina's petition to reduce interstate transport of fine particulate matter and ozone. It is possible that a ruling by the Court will lead to revisions to the CAIR by the EPA.

The EPA set two phases of NOx and SO<sub>2</sub> reductions in the CAIR, which are addressed in this final-form rulemaking. The first phase of NOx reductions begins in 2009 (covering 2009-2014) and the first phase of SO<sub>2</sub> reductions starts in 2010 (covering 2010-2014). The second phase of reductions for both NOx and SO<sub>2</sub> starts in 2015 (covering 2015 and thereafter). The EPA's emissions reduction requirements are based on controls that the EPA identified as being highly cost effective for EGUs.

Under the CAIR, states' SIP revisions were due by September 11, 2006. The Commonwealth intends to submit the final-form rulemaking, once adopted, to the EPA as a SIP revision to satisfy the EPA's CAIR SIP requirements.

In the event that a state did not submit its SIP revision on time, the EPA issued a FIP for each state covered by the CAIR at 71 FR 25328 (April 28, 2006). The FIPs are designed to regulate EGUs in affected states and to achieve emission reduction requirements established by the CAIR until states have approved SIPs to achieve the reductions. As the control requirement for FIPs, the EPA adopted the model trading rules provided in the CAIR, with minor changes to account for Federal rather than state implementation. The EPA stated that there are no sanctions associated with being subject to a CAIR FIP.

The EPA designed the model rules in the CAIR to parallel the NOx SIP Call model trading rules in 40 CFR Part 96 (relating to NOx Budget Trading Program and CAIR NOx and SO<sub>2</sub> Trading Programs for State Implementation Plans) and to coordinate with the Acid Rain Program. To have the EPA administer the trading programs and for sources to be able to trade allowances with sources in other states, the EPA requires states to adopt the model rules, with flexibility to modify sections regarding NOx allowance allocations and determine whether to include individual unit opt-in provisions. The EPA will no longer administer the NOx SIP Call Trading Program in 2009.

Under the model rules, states will allocate the CAIR NOx annual allowances and the CAIR NOx Ozone Season allowances. The Department's final-form rulemaking specifies how allowances will be calculated. The NOx Budget Trading Program allowances and CAIR NOx Ozone Season allowances cannot be used for compliance

with the annual CAIR NO<sub>x</sub> emission reduction requirement. Pre-2009 NO<sub>x</sub> Budget Trading Program allowances can be banked into the program and used by CAIR sources for compliance with the CAIR NO<sub>x</sub> Ozone Season program. NO<sub>x</sub> Budget Trading Program allowances of vintages (namely, the first year for which the allowance may be applied against emissions) 2009 and later cannot be used for compliance with CAIR or the CAIR FIP and will be superseded.

The CAIR SO<sub>2</sub> Cap and Trade Program will rely upon Title IV SO<sub>2</sub> allowances that have already been issued, although a state may provide CAIR SO<sub>2</sub> allowances to an opt-in source. Pre-2010 Title IV SO<sub>2</sub> allowances can be used for compliance with the CAIR. SO<sub>2</sub> reductions are achieved under the model rules by requiring sources to retire more than one allowance for each ton of SO<sub>2</sub> emissions. The emission value of an SO<sub>2</sub> allowance is independent of the year in which it is used, but is based upon its vintage. SO<sub>2</sub> allowances of vintage 2009 and earlier will offset one ton of SO<sub>2</sub> emissions. Vintages 2010-2014 will offset 0.5 ton of emissions and vintages 2015 and beyond will offset 0.35 ton of emissions.

The CAIR provides each state with a share of the compliance supplement pool, which is comprised of 200,000 CAIR NO<sub>x</sub> annual allowances of vintage 2009. For the Commonwealth, the compliance supplement pool will be allocated by the EPA under the FIP in 2009.

Sources will monitor and report their emissions using 40 CFR Part 75 (relating to continuous emission monitoring). Compliance for the annual and ozone season NO<sub>x</sub> Cap and Trade Programs, as well as the SO<sub>2</sub> Program, will be determined separately. A source found to have excess emissions shall surrender allowances sufficient to offset the excess emissions and surrender allowances from the next control period equal to three times the excess emissions.

If a state chooses to control EGUs in its CAIR program, as the Commonwealth is doing in the final-form rulemaking, then the state must establish a budget for EGUs. The EPA established Statewide budgets for the Commonwealth's CAIR trading programs that include only EGUs as follows: (1) an annual EGU NO<sub>x</sub> budget of 99,049 tons per year for 2009-2014 and 82,541 tons per year for 2015 and thereafter; (2) a compliance supplement pool of 16,009 tons of CAIR NO<sub>x</sub> annual allowances; (3) an Ozone Season EGU NO<sub>x</sub> budget of 42,171 tons per year for 2009-2014 and 35,143 tons per year for 2015 and thereafter; and (4) an annual EGU SO<sub>2</sub> budget of 275,990 tons per year for 2010-2014 and 193,193 tons per year for 2015 and thereafter. The EPA calculated the amount of each state's EGU emissions cap, or budget, based on reductions that the EPA determined to be highly cost effective. The final-form rulemaking adopts EPA's budgets.

SO<sub>2</sub> allowances are allocated to sources by the EPA under the Acid Rain Program. Certain independent power production (IPP) facilities that are subject to the SO<sub>2</sub> emission control requirements of the CAIR, however, were exempted from the Acid Rain Program. Most of these IPP facilities are waste coal-fired facilities in this Commonwealth that combust coal mining refuse. Since states cannot allocate CAIR SO<sub>2</sub> allowances to these facilities, the owners and operators of these facilities will have to purchase or otherwise obtain the necessary allowances. To provide some relief for the lack of SO<sub>2</sub> allowances, the Department is allocating additional CAIR NO<sub>x</sub> allowances to these facilities, the proceeds from the sale of

which the owners and operators of the IPP facilities may use to purchase CAIR SO<sub>2</sub> allowances.

The final-form rulemaking establishes general provisions to achieve reductions from EGUs currently covered by Chapter 145, Subchapter A. The NO<sub>x</sub> reduction requirements are similar to the existing requirements of the NO<sub>x</sub> Budget Trading Program and contain provisions regarding designated representatives of covered units, permitting, allowances, monitoring and opting-in. This final-form rulemaking establishes three CAIR trading programs which cover annual NO<sub>x</sub> emissions, Ozone Season NO<sub>x</sub> emissions and annual SO<sub>2</sub> emissions, respectively. Each of the three CAIR trading programs in the final-form rulemaking contains similar provisions.

The final-form rulemaking also makes minor changes to the requirements that already apply to small sources of NO<sub>x</sub> in the five-county Philadelphia area. The final-form rulemaking requires these sources to surrender CAIR NO<sub>x</sub> annual allowances and CAIR NO<sub>x</sub> Ozone Season allowances rather than NO<sub>x</sub> Budget Trading Program allowances if the sources' NO<sub>x</sub> emissions exceed its NO<sub>x</sub> emission limits beginning in 2009. A similar change is made for NO<sub>x</sub> emissions from large stationary internal combustion engines that are not subject to the NO<sub>x</sub> Budget Trading Program and for NO<sub>x</sub> emissions from Portland cement kilns. The final-form rulemaking also addresses the transitioning of NO<sub>x</sub> allowance allocations, NO<sub>x</sub> emission limitations and NO<sub>x</sub> monitoring requirements from the NO<sub>x</sub> Budget Trading Program and addresses certain compliance issues. The final-form rulemaking establishes requirements for non-EGUs that are currently subject to the NO<sub>x</sub> Budget Trading Program, including new non-EGUs, and also for EGUs that are exempt from CAIR but were subject to the NO<sub>x</sub> Budget Trading Program.

Non-EGUs will continue to be covered for 2007 and 2008 by the NO<sub>x</sub> allowances already allocated by the Department under the NO<sub>x</sub> Budget Trading Program. Beginning in 2009 and continuing thereafter, the EPA will no longer administer the NO<sub>x</sub> SIP Call. The EPA does not consider an allowance issued for 2009 or later in accordance with the NO<sub>x</sub> SIP Call to be a CAIR NO<sub>x</sub> Ozone Season allowance. Consequently, allowances for years 2009 and later allocated under the Commonwealth's NO<sub>x</sub> Budget Trading Program are terminated and cannot be used for compliance with the CAIR NO<sub>x</sub> Annual Trading Program or the CAIR NO<sub>x</sub> Ozone Season Trading Program.

Both the EPA's CAIR NO<sub>x</sub> model rules and CAIR FIP state that CAIR NO<sub>x</sub> annual allowances and CAIR NO<sub>x</sub> Ozone Season allowances do not constitute property rights. See 40 CFR 96.106(c)(6), 96.306(c)(6), 97.106(c)(6) and 97.306(c)(6) (relating to standard requirements). The same is true of CAIR SO<sub>2</sub> allowances. See 40 CFR 96.206(c)(6) and 97.206(c)(6) (relating to standard requirements). These provisions also provide that no provision of the CAIR programs, a CAIR permit application, a CAIR permit or the retired unit exemption and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit authorization. The final-form rulemaking incorporates by reference these Federal provisions.

As the Department stated in its 2005 allocation of NO<sub>x</sub> allowances, action at the Federal or State level could affect the Department's allocations, and "... it is possible that NO<sub>x</sub> allowances allocated for 2008-2012 would be terminated, limited or otherwise affected." See 35 Pa.B. 1714 (March 12, 2005). A NO<sub>x</sub> allowance allocated



by the Department under the NOx Budget Trading Program does not constitute a property right. See § 145.6(b)(7) (relating to standard requirements). A "NOx allowance" is defined in § 145.2 (relating to definitions) as:

"An authorization by the Department under the NOx Budget Trading Program to emit up to 1 ton of NOx during the control period of the specified year or of any year thereafter, except as provided under § 145.54(f) (relating to compliance). No provision of the NOx Budget Trading Program, any permit, or an exemption under § 145.4(b) or § 145.5 and no provision of law will be construed to limit the authority of the Department or the Administrator to terminate or limit the authorization, which does not constitute a property right. For purposes of all sections of this subchapter except §§ 145.41—145.43 and 145.88, NOx allowance also includes an authorization to emit up to 1 ton of NOx during the control period of the specified year or of any year thereafter by the Department or the Administrator."

Under the transition provisions in the final-form rulemaking, non-EGUs currently subject to the NOx Budget Trading Program, including new non-EGUs, and CAIR-exempt EGUs will continue to be subject to the Commonwealth's NOx Budget Trading Program budget. The transition provisions are designed such that a unit must surrender CAIR NOx annual allowances and CAIR NOx Ozone Season allowances if the Statewide budget is exceeded and the NOx emissions from the unit exceed the unit's allowable emissions.

The CAIR NOx Ozone Season allowances allocated in November 2007 by the EPA to EGU owners and operators under the FIP replace the NOx allowances already allocated to EGUs by the Department under the NOx Budget Trading Program for 2009. The EPA has also allocated CAIR NOx annual allowances to EGUs for 2009 under the FIP. The Department expects that EGU owners and operators will receive CAIR NOx annual allowances and CAIR NOx Ozone Season allowances for 2010 and beyond from the Department under this final-form rulemaking, since the final-form rulemaking, once approved as a SIP revision, will replace the FIP.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) on the final-form rulemaking on July 26, 2007, and September 20, 2007. On September 20, 2007, the AQTAC concurred with the Department's recommendation that the Board approve the final-form rulemaking, providing changes were made to the definitions and use of the terms "Tier 1 renewable energy qualifying resource" and "Tier II demand side management energy efficiency qualifying resource," providing changes were made to the public notice provisions for contacts for additional information, and providing the Department clarified the text and equations for allocations, and corrected miscellaneous typographical errors. The Department also consulted with the Air Committee of the Citizens' Advisory Council on October 15, 2007.

The final-form rulemaking is reasonably necessary to achieve and maintain the NAAQS and to satisfy related CAA requirements. The final-form rulemaking, when adopted, will be submitted to the EPA as a revision to the Commonwealth's SIP.

#### *E. Summary of Regulatory Requirements in the Final-Form Rulemaking and Major Changes from the Proposed Rulemaking*

The final-form rulemaking amends § 121.1 (relating to definitions) to add a definition of "vintage or vintage

year." The term is defined to refer to the calendar year assigned to an allowance by the issuing authority that designates the first year in which the allowance is valid to be applied against emissions. The definition has been amended in the final rulemaking for clarity.

The final-form rulemaking amends §§ 129.201 and 129.202 (relating to boilers; and stationary combustion turbines) to account for the transition provisions regarding the NOx Budget Trading Program and the CAIR NOx trading programs.

The final-form rulemaking amends § 129.204 (relating to emission accountability) by changing "NOx allowance" to "CAIR NOx allowance" and "CAIR NOx Ozone Season allowance." This amendment will require the small sources of NOx in the five-county Philadelphia area to surrender allowances from the annual and ozone season CAIR NOx trading programs if the sources' NOx emissions exceed their NOx emission limits, beginning in 2009. Surrender of both allowances is now required to avoid double emissions since during the ozone season both CAIR trading programs are active.

A similar change is proposed for NOx emissions from large stationary internal combustion engines that are not subject to the NOx Budget Trading Program and for NOx emissions from Portland cement kilns in §§ 145.113 and 145.143 (relating to standard requirements), respectively.

The final-form rulemaking also clarifies the existing provisions in § 129.204 regarding alternative calculation and recordkeeping procedures for the calculation of actual emissions from small sources of NOx in the five-county Philadelphia area.

The final-form rulemaking addresses the transition from the NOx Budget Trading Program to the CAIR NOx Trading Programs. New § 145.8 (relating to transition to CAIR NOx Trading Programs) provides that the final year for NOx allowance allocations to be made under the NOx Budget Trading Program will be 2008. It also indicates that allowance allocations made beyond 2008 are terminated, and retires the Department's non-EGU NOx Trading Program Budget of 3619 allowances established in § 145.40 (relating to State Trading Program budget). Allocations in 2009 will be made in accordance with the FIP. CAIR NOx Ozone Season allowance allocations for the control period starting May 1, 2010, and for each control period thereafter, will be distributed in accordance with the CAIR NOx Trading Programs. New § 145.8 provides that the emission limitations and monitoring requirements established in the NOx Budget Trading Program are replaced by the requirements in Chapter 145, Subchapter D (relating to CAIR NOx and SO<sub>2</sub> Trading Programs) pertaining to the CAIR NOx Ozone Season Trading Program beginning with the May 1, 2010, control period. This section also addresses compliance.

Proposed § 145.101 (relating to transition requirements for nonelectric generating units) was eliminated in the final-form rulemaking as the EPA commented that neither proposed transition methodology in it was as stringent as the NOx Budget Trading Program. The section addressed the transition for non-EGUs from the NOx Budget Trading Program to the CAIR NOx Ozone Season Trading Program. The EPA requires that states continue to meet their NOx SIP Call obligations. The EPA explains that if a state achieves all of its required CAIR emissions reductions by capping EGUs, then the state must modify its existing NOx SIP Call program to require that non-EGUs in the state that are currently participating in the NOx Budget Trading Program conform to the require-

ments of the CAIR Ozone Season NOx Trading Program with a trading budget that is the same as or more stringent than the budget in the state's currently approved SIP. See 70 FR 25256 (May 12, 2005).

Section 145.8(d) was added to address the transition. It caps all units covered under the NOx Budget Trading Program that do not transition into the CAIR NOx Trading Programs to 3,619 tons of emissions. Included in this group are any units that did not participate in the NOx Budget Trading Program even though it was an applicable requirement. Of this 3,619 ton emission cap, 5% (189 tons) is retired to allow for annual corrections and rounding issues and to cover units exempted under the NOx Budget Program. This subsection establishes a mechanism for determining allowable emissions caps for each unit based upon the previous ozone season's heat input. Units under this subsection will not be required to surrender allowances for emissions unless the total emissions for the ozone season from all units subject to the subsection exceed 95% of the cap or 3,438 allowances. If the total emissions exceed the cap, then each unit must turn in one CAIR NOx Ozone Season allowance and one CAIR NOx annual allowance for each ton of emissions the unit emits above its allowable. Units that emit less than their allowable will be able to use excess emissions for units regulated under §§ 129.201–129.204, 145.113 and 145.143. This section also addresses timing and compliance.

Chapter 145, Subchapter D of the final-form rulemaking incorporates by reference the EPA's CAIR NOx Annual Trading Program, CAIR NOx Ozone Season Trading Program and CAIR SO<sub>2</sub> Trading Program, with modifications.

Section 145.201 (relating to purpose) describes the purpose of Subchapter D. This section explains that Chapter 145, Subchapter D incorporates by reference the CAIR NOx Annual Trading Program and CAIR NOx Ozone Season Trading Program as a means of mitigating the interstate transport of fine particulates and NOx and incorporates the CAIR SO<sub>2</sub> Trading Program as a means of mitigating the interstate transport of fine particulates and SO<sub>2</sub>. The section also explains that Chapter 145, Subchapter D establishes general provisions and applicability, allowance and supplemental monitoring, recordkeeping and reporting provisions.

The final-form rulemaking amends proposed § 145.202 (relating to definitions) to ensure that consistency with the Federal definitions is maintained. This section incorporates by reference the Federal definitions. The section also includes definitions specific to Subchapter D that are not included in the Federal programs.

The proposed definitions of the following terms have been eliminated: "Acid Rain Program," "Administrator," "bottoming-cycle cogeneration unit," "CAIR NOx allowance," "CAIR NOx Annual Trading Program," "CAIR NOx Ozone Season allowance," "CAIR NOx Ozone Season Trading Program," "CAIR NOx Ozone Season unit," "CAIR NOx unit," "CAIR SO<sub>2</sub> Trading Program," "CAIR SO<sub>2</sub> unit," "cogeneration unit," "combustion turbine," "commence commercial operation," "control period," "operator," "owner," "ozone season," "topping-cycle cogeneration unit," "unit," "useful power" and "useful thermal energy."

Several definitions in § 145.202 are derived from or relate to the Alternative Energy Portfolio Standards Act (AEPS Act) (73 P.S. §§ 1648.1–1648.8), as amended, including the term "Pennsylvania Alternative Energy

Portfolio Standard." The term "renewable energy qualifying source" is derived from the definition of "Tier I alternative energy source" in the AEPS Act, but includes only those sources included in the definition of "renewable energy" in this final-form rulemaking. The term "demand side management energy efficiency qualifying resource" is derived from the definition of "Tier II alternative energy resource" in the AEPS Act, but is limited by the definition of "demand side management" in this final-form rulemaking. At the request of the AQTAC, the terms "Tier I" and "Tier II" were deleted from the defined terms to avoid confusion with the AEPS Act definitions. The term "demand side management," which is also derived from the AEPS Act, does not include industrial by-product technologies to prevent double allocation of allowances under the CAIR NOx Trading Programs. The Department notes that a "demand side management energy efficiency qualifying resource" is a demand side energy efficiency measure with no associated NOx emissions.

Section 145.202 also includes a definition of the terms "EIA," "gross electrical output," "MWh—Megawatt-hour," "renewable energy" and "renewable energy certificate."

Section 145.203 (relating to applicability) describes the applicability of Chapter 145, Subchapter D. Section 145.203 states that this subchapter will apply to CAIR NOx units, CAIR NOx Ozone Season units and CAIR SO<sub>2</sub> units. The language extending applicability to Tier I renewable energy qualifying resources and Tier II demand side management energy efficiency qualifying resources was deleted as those resources are not subject to the EPA's CAIR programs.

Section 145.204 (relating to incorporation of Federal regulations by reference) establishes the incorporation by reference of the Federal CAIR regulations. This section specifies that the incorporation by reference includes appendices, future amendments and supplements to the Federal regulations. This is consistent with the existing Commonwealth law on incorporation by reference set forth in 1 Pa.C.S. § 1937(a) (relating to references to statutes and regulations). The section also incorporates the Federal definitions.

Section 145.205 (relating to emission reduction credit provisions) requires that the Department permanently reduce the Commonwealth's CAIR NOx trading budgets (annual and ozone season) and that the owner or operator of a unit subject to Chapter 145, Subchapter D surrender NOx allowances if NOx emission reduction credits or creditable emission reductions are considered in an applicability determination under Chapter 127, Subchapter E (relating to new source review) for a unit not subject to Chapter 145, Subchapter D, or if an emission trade under Chapter 127 (relating to construction, modification, reactivation and operation of sources) is authorized for a unit not subject to Chapter 145, Subchapter D, whenever the emission reduction credits, creditable emission reductions or emission trade are from a unit subject to Chapter 145, Subchapter D. An example of an emission trade under Chapter 127 is a trade at a facility under a plantwide applicability limit from a CAIR NOx unit to a non-CAIR NOx unit at the same facility. Section 145.205 carries over the requirements of §§ 145.40(b) and 145.90 (relating to State Trading Program budget; and emission reduction credit provisions). Though the wording is modified in the final-form rulemaking to reflect comment from the EPA, the meaning and requirements remain the same.

Section 145.211 (relating to timing requirements for CAIR NOx allowance allocations) addresses timing re-

quirements for CAIR NO<sub>x</sub> allowance allocations under the CAIR NO<sub>x</sub> Annual Trading Program. The timing requirements replace the timing requirements in the EPA's CAIR NO<sub>x</sub> Annual Trading Program. Minor modifications were made in the final-form rulemaking in response to the EPA's comment regarding compliance with the EPA's CAIR regulations. Under the final-form rulemaking, the Department will issue allowances for 2010-2012 by April 30, 2008, will issue allowances for 2013 by April 30, 2009, and will issue allowances by April 30 each year thereafter for the next control period. In the final-form rulemaking, a provision is added for the Department to reserve 1.3% of the CAIR NO<sub>x</sub> Trading Budget for each annual control period for allocation to the IPP facilities that are subject to the SO<sub>2</sub> emission control requirements of the CAIR but were exempted from the Acid Rain Program.

Under § 145.211(c), the Department will submit to the Administrator CAIR NO<sub>x</sub> allowance allocations to new units by April 30 each year, beginning with 2011. Section 145.211(c) cross-references § 145.212(e), which states that the allocations to new units will be made for the fifth year after the year of the NO<sub>x</sub> emissions. Section 145.211(c) states that the Department will base the allocations to new units on actual emissions in the calendar year preceding the year of the submission. Under the EPA's model rule in 40 CFR 96.141(c) (relating to timing requirements for CAIR NO<sub>x</sub> allowance allocations), the Department would make CAIR NO<sub>x</sub> allowance allocations for the CAIR NO<sub>x</sub> Annual Trading Program to new units out of a new unit set-aside every year for the year of the allocation. The EPA explains in the CAIR NO<sub>x</sub> Annual Trading Program SIP submission requirements in 40 CFR 51.123(o)(2)(ii)(C) (relating to findings and requirements for submission of State implementation plan revisions relating to emissions of oxides of nitrogen pursuant to the Clean Air Interstate Rule) that a state may adopt provisions that differ substantively from the EPA's allowance allocation provisions and still receive SIP approval as long as the state's methodology provides, among other things, that the state notifies the EPA regarding the amount of allowances to be allocated to new units by October 31 of the year of the allocation. The final-form rulemaking meets this notification requirement and provides new units with more advance notice of their allocations than does EPA's model rule. Under the final-form rulemaking, new units will receive future year allowances as compensation to cover their compliance obligations. Unit operators will be able to make an inter-company swap, or external trade or sale of the future vintage year allowances for current vintage year allowances that the operators will require for the new unit's compliance obligations.

Under § 145.211(d), the Department will publish notice of the proposed CAIR NO<sub>x</sub> allowance allocations in the *Pennsylvania Bulletin* and will publish the final allocations after a 15-day public comment period. The section was modified to meet Federal timing requirements and to address AQTAC concerns regarding access to additional information.

The Department added § 145.211(e) for clarity in the allocation order. Under § 145.211(e), the Department describes the order in which allowances are issued, as commentators found that issue confusing under the proposed rule.

Section 145.212 (relating to CAIR NO<sub>x</sub> allowance allocations) addresses allocation procedures for CAIR NO<sub>x</sub> allowance allocations under the CAIR NO<sub>x</sub> Annual Trading

Program. Subsection (a) explains that the allocation requirements in the final-form rulemaking replace the allocation requirements in the EPA's CAIR NO<sub>x</sub> Annual Trading Program.

The procedure for issuing CAIR NO<sub>x</sub> allowances to new and existing units under the final-form rulemaking is based on the "new unit" allocation methodology in the CAIR model rules and FIP. The EPA's model rules and FIP would provide existing units with a permanent allocation based on historical operations. The EPA's method has several negative aspects. It rewards past inefficiency, does nothing to pay back efficiency improvements and in states like this Commonwealth with deregulated markets gives existing units an unwarranted and counterproductive competitive advantage. It could also fail to provide more productive units with an equitable share of allowances when market forces change the level of output from particular units. Using the EPA's new unit allocation method with an updating component remedies these deficiencies. The CAIR NO<sub>x</sub> allocations described in subsections (c) and (d) are modified under the final-form rulemaking to provide clarity, but the methodology has not changed.

This Commonwealth has a deregulated electric market that seeks to achieve the economic and environmental benefits of competition and that is better served by the allocation method in the final-form rulemaking. This approach will allow for the timely integration of new sources into the general allocation pool, and provide allowances for energy efficiency/renewable energy resources on a regular and equitable basis so that these resources will not be placed at a competitive disadvantage. Commentators generally supported this approach.

Subsection (b) addresses the determination of baseline heat input for existing units in a manner that is consistent with the EPA's model rule approach for new units. No changes were made to this section and comments, which were specifically requested in the Preamble, supported this updating allocation methodology.

Subsection (c) explains that allocations will be made to existing units, qualifying resources and new units using baseline heat input data as determined under subsection (b) from a baseline year that is 6 calendar years before the vintage year of the allowances that are allocated. Subsection (c) also explains that the allocations for each control period beginning with 2010 will equal the number of CAIR NO<sub>x</sub> allowances remaining in the Commonwealth's trading budget under 40 CFR 96.140 (relating to state trading budgets). This section was modified to address clarity and timing issues but the procedure was not modified.

Under the EPA model rule, a state would maintain a set-aside of 5% of the budget of CAIR NO<sub>x</sub> allowances for allocation to new units. The Department is not proposing a set-aside for new units; instead, the Department proposes under § 145.212(c) that new unit allowances be allocated from the same pool of allowances as those allocated to other units and qualifying resources to prevent the problem of over-subscription of the new source set-aside experienced under the NO<sub>x</sub> Budget Trading Program. The Board specifically requested comment on the proposed approach of allocating future CAIR NO<sub>x</sub> allowances to new units rather than allocating CAIR NO<sub>x</sub> allowances to new units under a new unit set-aside. The new source allocation methodology was not changed as comments were generally favorable.

Subsection (d) further describes the allocation calculation process for existing units and qualifying resources

and states that the Department will make CAIR NOx allowance allocations under this subsection after the Department makes CAIR NOx allowance allocations to new units under subsection (e). In the final-form rulemaking, this section was modified for clarity but remains basically as proposed.

Subsection (e) explains that the Department will allocate CAIR NOx allowances to new units by March 31, 2011, and March 31 each year thereafter. A unit may receive a "new unit" allocation under subsection (e) in the same year it receives an allocation based on qualifying converted baseline heat input for regular sources. These concurrent allocations will continue until the unit has already received allowances of the same vintage year as the year in which the emissions that support the "new unit" allocation were generated. At that point, the unit will have transitioned into regular source status and will no longer be eligible for new unit allocations. NOx allowance allocations to new units will be made for the 5th year after the year of the emissions. For example:

A unit that begins operations in 2010 will be allocated 2015 CAIR NOx allowances in 2011, based on 2010 emissions.

In 2012, the unit in the example will be allocated, as a new unit, 2016 CAIR NOx allowances based on 2011 emissions and 2016 CAIR NOx allowance allocations using baseline heat input for 2010.

This pattern continues. At the end of 2015, the unit loses its new source status since it has been issued 2016 allowances using 2010 baseline heat input. It will be allocated as a source under § 145.212(b) each year thereafter.

Subsection (e) remains unchanged in the final-form rulemaking except for a minor clarification, as it was unaffected by timing requirement changes in other subsections.

Allocations to new units in 2009 will be made directly by the EPA under the FIP.

Subsection (f) applies to allocations to qualifying resources and units exempted under the EPA's Acid Rain Program. Qualifying resources may be issued allowances under this provision if they submit an application that meets the requirements of subsection (f). The number of allowances allocated to them will be determined by converting the certified quantity of electric energy production, useful thermal energy and energy equivalent value of the measures approved under the Pennsylvania Alternative Energy Portfolio Standard to equivalent thermal energy. The term "equivalent thermal energy" is clarified as the baseline heat input to be used in the allocation process in the final-form rulemaking. The final-form rulemaking does not limit the CAIR NOx allowances that can be allocated to qualifying resources as a whole. The Board specifically sought comment on the proposed approach to allocating CAIR NOx allowances on the basis of new renewable energy sources in this Commonwealth and demand-side management under the Pennsylvania Alternative Energy Portfolio Standard, including the appropriateness of including load shifting as a demand side management measure. The Department reviewed the issue carefully and determined that by definition any demand side management that results in a NOx emission would not be eligible for an allocation.

Units exempted under the EPA's Acid Rain Program, and which therefore did not receive SO<sub>2</sub> allowances and yet are subject to the CAIR SO<sub>2</sub> Trading Program, may receive an additional amount of CAIR NOx allowances

under subsection (f), based on a ratio of one CAIR NOx allowance to every 8 tons of SO<sub>2</sub> emitted. This ratio is derived from historical price data showing a 1:8 price ratio for NOx and SO<sub>2</sub> allowances. Up to 1.3% of the Commonwealth's annual NOx budget is available for allocation to these units for each control period from 2010-2015, as described in subsection (f)(2) and (4). This allocation will be reduced by any excess NOx allowances a unit received over its actual emissions for the control period. The final-form rulemaking specifies that if a unit opts-in to the Acid Rain Program, the owner or operator will get allowances equal to the emissions not covered by the opt-in at a ratio of one CAIR NOx allowance for every 8 tons of SO<sub>2</sub> that were not covered. The final-form rulemaking also amends the equation used to pro-rate the additional NOx allocations if more than 1.3% of the Commonwealth's CAIR NOx Trading Budget is requested by these units, partly in response to the AQTC's recommendation. Although the proposed rulemaking proposed the first allocation of these additional allowances would be made in 2008, timing constraints require that in the final-form rulemaking the first allocation is made in 2011 for the 2010 control period. This pattern continues until the last allocation in 2017 for the 2016 control period. Subsection (f)(5) provides that the Department may extend, terminate or otherwise modify the allocation after providing public notice and a 30-day public comment period. The allocation of NOx allowances to these units is discussed more completely under Section D of this order. The Department also clarified this subsection by eliminating the term "cost equivalent."

Section 145.213 (relating to supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.170—96.175) contains monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units that are subject to the monitoring and reporting requirements of the EPA's CAIR rules. These requirements in the final-form rulemaking are in addition to the requirements in the CAIR rules, and are included to ensure that allocations are made on an equitable basis. This can only be accomplished by requiring all units to collect and report data that meets a standard level of accuracy, consistency and accountability. Most units already have the necessary instrumentation and recordkeeping measures in place. No changes have been made in the final-form rulemaking.

The provisions in the proposed rulemaking that relate to the CAIR NOx Ozone Season Trading Program are nearly identical to those regarding the CAIR NOx Annual Trading Program. The differences relate to the different control periods (May through September, versus entire year) and different Federal cross-references. Consequently, the discussion of §§ 145.211—145.213 pertain also to §§ 145.221—145.223 (relating to additional requirements for CAIR NOx Ozone Season Trading Program), with the relevant Federal citations being specified in Annex A. No provision is made in § 145.222 (relating to CAIR NOx Ozone Season allowance allocations) as in § 145.212 for units exempted under the EPA's Acid Rain Program.

#### F. *Summary of Major Comments and Responses on the Proposed Rulemaking*

The Board approved publication of the proposed rulemaking at its meeting on February 20, 2007. The proposed rulemaking was published at 37 Pa.B. 2063 (April 28, 2007). Public hearings were held on May 29 in Pittsburgh, May 30 in Harrisburg, and May 31 in Norristown.

The Board received comments from 18 commentators. The Department prepared a Comment and Response document in which the Department responds to comments received during the public comment period. The Comment and Response document is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Quick Access: Public Participation). The Comment and Response document provides detailed responses to these comments and explains the Department's position.

The following is a discussion of the major comments received during the public comment period.

#### *Adoption of Federal Program*

Several commentators urged the Commonwealth to adopt the EPA's CAIR program with the fewest exceptions. The final-form rulemaking adopts the EPA's CAIR NOx Trading Programs by reference, with some amendments. The Department minimized amendments to the EPA's NOx Trading Programs to accommodate this Commonwealth's deregulated electric generation market.

#### *Adjusted heat input allocation methodology*

A number of commentators expressed support or indifference to Pennsylvania's allocation methodology. One commentator believed the allocation methodology did not incorporate the EPA's allocation methodology. In the final-form rulemaking, the Department did not follow the EPA's allocation methodology because it is not the best methodology for a deregulated electricity market; it would limit competition and discourage efficiency.

#### *Transition of non-EGUs*

Several commentators stated that new non-EGUs should not get allocations from the EGU Program. One commentator expressed its interest in the Department's unit choice methodology of transferring non-EGUs into CAIR. EPA Region III advised the Department that neither of the transition methodologies in the proposed rulemaking would be approved as the EPA believes they are not as stringent as the NOx SIP Call requirements that currently exist for non-EGUs. The EPA stated that the units subject to the NOx SIP Call, which have been covered under the Commonwealth's NOx Budget Trading Program, would need to continue to monitor using 40 CFR Part 75 (relating to continuous emission monitoring), and that each unit would need to maintain an account and an authorized account representative. In response, the Department expanded the proposed transition methodology to cover new non-EGUs and CAIR-exempted EGUs that are subject to the NOx SIP Call, while maintaining the non-EGU budget cap of the NOx Budget Trading Program. The final-form rulemaking requires the units to meet the reporting and monitoring requirements of the EPA's CAIR NOx Trading Programs.

#### *Using CAIR NOx Allowances to Account for NOx Emissions from Non-NOx Budget Trading Program Units*

Three commentators suggested that the regulation should allow non-NOx Budget Trading Program units to buy and retire CAIR NOx allowances to account for their NOx emissions. The commentators recommend expansion of this type of program to account for emissions from High Electric Demand Day (HEDD) units. While the Department supports market-based programs as a method to improve air quality, the final-form rulemaking does not include the commentators' recommended revisions. The methods suggested by the commentators to account for NOx emissions from HEDD units and other sources may be considered along with other options at a later date.

#### *Addressing ERC Provisions in CAIR*

Four commentators felt that it was unnecessary to link the ERC and the allowance programs and that the provision requiring the surrender of NOx allowances would make those ERCs too expensive for a nonaffected source to procure. They argued that the real consequence would be that nonaffected industries would have a more difficult time if there were some future economic development of primary industries in this Commonwealth. The Department disagrees that this provision should be eliminated. The provision is a necessary component of an allowance trading program and already exists in current regulations. The provision is needed to prevent "double emissions" from occurring as a result of the overlap of the allowance and ERC provisions that cover the same emissions. If those excess allowances are not retired, the CAIR unit can sell them to another CAIR unit, which could in turn increase its emissions through the use of those allowances. As a result, \$ 145,205 is necessary to ensure that the reductions continue to remain permanent.

The final-form rulemaking does not require the ERC generating unit to surrender more allowances than it was allocated. Under the final-form rulemaking, however, for the non-CAIR unit to be able to commence operation or increase emissions, the ERC generating unit must surrender both CAIR NOx annual allowances and CAIR NOx Ozone Season allowances, unless there is a restriction on using the ERCs during ozone season. This is also designed to prevent double emissions. Once the ERC generating unit surrenders the allowances, the Department will adjust the Commonwealth's CAIR NOx Ozone Season Trading Program budget and CAIR NOx Annual Trading Program budget. The ERC generating unit does not need to continue surrendering allowances. Hence, the provisions in the final-form rulemaking avoid penalizing the ERC generating unit by spreading the allowance reduction burden evenly across all sources participating in the CAIR NOx Trading Programs.

Many commentators indicated support for maintaining the ERC provision in the CAIR rule. EPA Region III suggested revised language to clarify the ERC provision. The Department agrees with these commentators and the final-form rulemaking incorporates the EPA's suggested revisions, with minor modifications.

#### *Allocation Timing Consistent with Federal Program*

The EPA and several other commentators asserted that the proposed allocation timing methodology did not meet the Federal requirements in CAIR. The timing and new source allowance allocation provisions have been modified in the final-form rulemaking to track the requirements in the EPA's CAIR Programs.

#### *Allowance Allocation to Qualifying Resources*

Many commentators expressed strong support for the provisions that allow for an allocation to new energy efficiency and new renewable energy resources without a limitation or set-aside. The Department appreciates the support. The allocation of allowances will improve air quality and energy efficiency. Allowance allocations should be based upon market decisions made by utilities and consumers rather than derived by limits and set-asides. Providing for allowance allocation to these resources will also build useful market flexibility into the cap and trade program.

Several commentators commented on the allocations to renewable resources, variously recommending limiting the allocation, asking for the cost impact and an explanation as to why a cap is unnecessary, recommending

against allocating allowances to renewables because they do not have NOx emissions and indicating that the fuel adjustment methodology allocating the units 3,413 Btu/kWh, the equivalent thermal energy for converting electrical output to heat input, should be used. The Department disagrees, except as to the conversion rate. The market determines the mix of generation resources needed to meet growing demand. Not allocating NOx allowances, or limiting the amount of the allocation, to renewable resources would be anti-competitive. Furthermore, if the market decides to meet growing demand for electricity by the construction of new fossil fuel generation, the NOx allowance cost to all fossil units will be double the NOx allowance cost of meeting that demand with renewable generation due to the fuel adjustment process by which renewables get 3,413 Btu/kWh as an adjustment factor, noncoal fossil units get 6,775 Btu/kWh and coal fired fossil units get 7,900 Btu/kWh. The Department has clarified the fuel adjustment and standard adjustment issue in the final-form rulemaking, including adding the 3,413 Btu/kWh conversion for electrical output to heat input.

#### *Allocation of NOx Allowances to PURPA Units*

Support was expressed for providing allowances to the independent IPPs that did not receive SO<sub>2</sub> allowances under the Acid Rain Program. One commentator thought an additional allocation equal to 1.3% of the seasonal CAIR budget should be added. EPA Region III requested clarification of this subsection and specifically of the term "cost equivalent." The Department appreciates and agrees with the supportive comments. Allocation of CAIR NOx allowances equal to 1.3% of the Commonwealth's CAIR NOx Trading budget is an equitable method to provide assistance to units that could have received allowances under the Acid Rain Program, but did not because they were exempted during the allocation period. The use of waste coal to generate electricity provides Pennsylvania with valuable environmental benefits. The Department disagrees, however, that CAIR NOx Ozone Season allowances should be issued to these units. Issuing CAIR NOx Ozone Season allowances would have a greater impact on units that operate primarily in the ozone season, such as natural gas fired units that do not need to retire Acid Rain Program allowances but that were also not allocated Acid Rain Program allowances. The Department has clarified the language in this section, but has left the basic mechanics and allocation process intact.

#### *Allocation of Allowances to New Sources*

Many commentators supported or were indifferent to the Department's approach of allocating allowances to new units rather than establishing a set aside. One commentator was concerned with the liquidity of allowances under the proposed method but supportive of the Department's proposed methodology. The Department responds that bringing new units into the regular allocation quickly without oversubscription of a new unit set-aside benefits the market and air quality. In addition, any liquidity issues of future allowances will also affect banked allowances. This means the price of future allowances would be expected to respond almost proportionately to banked allowance prices. This happens because there is no longer any progressive flow control and banked allowances no longer lose compliance value. The Department does not believe there can be a liquidity problem with regard to future allowances unless that liquidity issue is shared by current and banked allowances as well.

#### *Definition recommendations*

Three commentators recommended that the Department change the definition of "vintage or vintage year." The Department has changed the definition to address the commentators' concerns.

These commentators also recommended that the Department change or eliminate the definition of "demand side management," since some demand side management activities do not eliminate NOx emissions. The activities of concern mentioned by the commentators, however, namely load shifting and use of industrial byproducts, would not qualify as demand side qualifying resources. The definition in the final-form rulemaking of "demand side management energy efficiency qualifying resource" is, "a demand side management energy efficiency measure that has no associated NOx emission and that generates certified alternative energy credit under the applicable Pennsylvania Alternative Energy Portfolio Standard." There is no need, therefore, to change or eliminate the definition.

The same commentators recommended that the Department change the definition of "renewable energy" if the intent of the definition was to exclude electric energy generated from certain fuels. The Department disagrees with the suggested change as it would limit renewable energy and energy efficiency to that which is "electric energy generated" and would eliminate qualified energy efficiency that reduces electric demand and thermal energy that may displace electric demand. The Department has not revised the final-form rulemaking in response to the comment.

#### *Applicability*

EPA Region III commented that renewable energy and energy efficiency units should be removed from the applicability section; the Department has deleted them from § 145.203 in the final-form rulemaking.

#### *General Comments*

One commentator suggested that the monitoring requirements for non-EGUs should not reference output parameters. The Department agrees. The final-form rulemaking does not require non-EGUs to provide for this type of monitoring.

EPA Region III commented that the transitional provision for non-EGUs into the CAIR NOx Programs does not meet the Federal requirements. The commentator asserted that the transitional provision must specify that new non-EGUs and CAIR-exempted EGUs must be included. In response, the final-form rulemaking contains new methodology that includes new non-EGU units and CAIR-exempt EGUs.

One commentator expressed concern that § 145.212 was inconsistent and needed clarification concerning subsections (d) and (f). The final-form rulemaking addresses the commentator's concerns and clarifies § 145.212.

EPA Region III advised the Department that the EPA will not approve the proposed methodology for transitioning non-EGU's into the CAIR Program due to the inclusion of compliance options that the Federal rules do not allow. The Department amended the non-EGU transition methodology in the final-form rulemaking to include a compliance option that addresses the commentator's concern and is designed to meet a preference expressed by industry and the AQTAC not to transition the non-EGUs into the CAIR Trading Program. The new transition methodology prevents certain issues from arising, like backsliding from progressive flow control to double emis-

sion credits due to overlapping of the two CAIR NO<sub>x</sub> Trading Programs, by carrying over the non-EGU trading budget from the NO<sub>x</sub> Budget Trading Program.

EPA Region III and the IRRC recommended that since the proposed rule incorporates the EPA's CAIR by reference, it should not include definitions of words already defined in the EPA's CAIR. The commentators offered that the Department may include definitions it needs for its rule's allocation procedures and recommends defining various words. The final-form rulemaking has been amended not to include those definitions already defined under the Federal requirements.

EPA Region III commented that renewable energy and energy efficiency units should be removed from the applicability section. The Department has removed them from this section in the final-form rulemaking.

EPA Region III advised the Department to clarify and correct inconsistencies in § 145.212(b)—(g) along with § 145.222(a)—(g). The commentator advised the Department to include the order of the allocation procedures, timing requirements, clarifying terms and the meaning of certain provisions. The Department amended the final-form rulemaking to address the commentator's concerns. Sections 145.211(e) and 145.221(e) were added to ensure that the order of allocation from the allowance budgets to various types of resources is clear. The Department amended supporting language in §§ 145.212 and 145.222 for clarity.

EPA Region III advised the Department that the allowance timing requirements as proposed were not approvable by the EPA. The Department adjusted the timing requirements in the final-form rulemaking to meet the Federal CAIR's timing requirements.

#### *G. Costs and Compliance*

##### *Benefits*

The citizens of this Commonwealth and regulated community are the major benefactors of these regulatory provisions. CAIR NO<sub>x</sub> allowances are distributed based on ongoing production and service activities in a manner that promotes more efficient use of remaining fossil fuel resources while imposing as little influence on the energy market as possible. In contrast, the FIP provides permanent allocations to entities whether or not they choose to provide economically beneficial production or services, and it rewards past inefficiency of a subset of older units at the expense of all other market participants and this Commonwealth's economy. This is partially mitigated by this final-form rulemaking through the distribution of allowances to the full range of energy resources that compete in the energy market to minimize the rule's economic influence.

Allowances permit emissions that have adverse health impacts and costs to this Commonwealth. The fastest and greatest cost savings to both existing units and this Commonwealth's economy will be made by speeding the transition to lower emitting technologies.

Fossil generation technologies receive allocation rates that are higher than all others, and allocations are provided in full and on a first priority basis to new fossil units. This recognizes the inherent thermal conversion limitations of current combustion technologies. This approach is necessary to allow the current use of fossil generation units and resources, while providing a way to not have allocations result in slowing the gradual transition to new more efficient generation fossil and nonfossil energy resources. Existing generating units have already

received the entire pool of SO<sub>2</sub> allowances from the Federal government and thereby retain a competitive advantage over alternative resources under this final-form rulemaking.

Fossil unit competitiveness is enhanced from an allowance perspective when alternative resources enter the market to meet demand, since alternative resources create twice as much of a reduction in allowance demand as new fossil units. More allowances become available to allocate to existing units, and less expensive allowances become available on the market as well. A recent analysis from the Energy Information Administration of the United States Department of Energy of a National carbon cap proposal affecting the power sector confirms that increasing efficiency and renewables in the power system that is under a historically-based cap (which CAIR is) reduces the compliance burden for the conventional power units. Increased alternatives such as efficiency measures can also yield compound economic savings as they reduce the need for high cost peaking generation.

Fuel costs are another benefit. Alternatives and new units will reduce demand for fossil fuels and will serve to moderate price increases, even more greatly if replacement of inefficient fossil units with more fuel efficient units occurs.

These regulatory provisions help to ensure that new clean and efficient fossil energy generators and alternative energy resources will be built in this Commonwealth; whereas, the Commonwealth's Alternative Energy Portfolio Standard law does not constrain these resources to this Commonwealth.

Twenty-eight other Eastern states must adopt a similar program. Many of the states have adopted programs that do not provide these benefits. Therefore, it is anticipated that this final-form rulemaking will place Pennsylvania units at a competitive advantage.

##### *Compliance Costs*

The CAIR FIP, not this final-form rulemaking, has already established the requirement to account for emissions and surrender allowances, therefore the potential cost associated with these requirements is not ascribable to this final-form rulemaking. This rulemaking provides the same number of allowances to electric power market participants in a manner that increases productivity in this Commonwealth and includes several cost savings as outlined in the benefits section relating to fuel and allowance costs.

The FIP may represent a cost savings to many affected Pennsylvania generating units as it is now more cost effective for large uncontrolled units that emit the majority of the emissions to install scrubbers and sell previously issued SO<sub>2</sub> allowances. The CAIR SO<sub>2</sub> Trading Program has raised the value of all banked SO<sub>2</sub> allowances considerably, and increased the value of new and existing control installations. Thus, the SO<sub>2</sub> controls could not only pay for themselves with allowance sales, but could also yield unforeseen revenues. The final-form rulemaking does not affect these aspects of the Federal program.

It is not possible to estimate the degree of savings accruing to this final-form rulemaking with any useful degree of certainty. To estimate with any precision the amount of accrued cost savings associated with a market based regulatory scheme requires a modeled analysis of this Commonwealth's energy economy, a predictable set of future energy prices and surrounding law and policies. The energy market and surrounding regulatory environ-

ment is undergoing rapid change. It is safe, however, to estimate that the benefits of efficiency enhancing rules will only increase with increased upward pressure on fuel prices.

The final-form rulemaking allocates the entire Federal budget and virtually the same amounts of NOx allowances to each unit as does the Federal program. It also provides added potential for savings and revenues from the NOx portion of the Federal program. Electricity generation companies that turn over their fleets toward both more efficient fossil units and renewable resources that have no emissions will receive an increased share of allowances over that which would occur under the FIP. Entities that invest in more efficient technologies will experience greater cost savings under these regulations.

Holding companies of electricity generators will receive allowances from subsidiaries that are engaged in providing energy efficiency and other alternatives mandated under the Commonwealth's Advance Energy Portfolio Standard law. As outlined in the benefits section, the overall net effect of the rule will reduce costs for the regulated entities as well as consumers who will experience these effects in lower energy costs than would occur under the FIP.

#### *Compliance Assistance Plan*

The Department plans to educate and assist the regulated community and the public with understanding these new regulatory requirements through various means, including field inspector contacts, mailings and the Small Business Compliance Assistance Program.

#### *Paperwork Requirements*

This final-form rulemaking utilizes the existing Federal recordkeeping and reporting requirements, as expanded slightly under the CAIR model rules. The EPA will not administer the allowance tracking portion of the program for a state nor allow a state to engage in interstate allowance trading unless the state's CAIR program includes these recordkeeping and reporting requirements. In addition, the final-form rulemaking specifies reporting of electrical and useful thermal output to ensure the producing facilities receive the correct amount of allowances.

#### *H. Pollution Prevention (if applicable)*

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This final-form rulemaking incorporates the following pollution prevention incentives:

The final-form rulemaking modestly increases the cost of emissions from fossil-fired power generators and thereby encourages fewer polluting power supply options to be adopted. The NOx portion of the final-form rulemaking includes provisions for the owners of alternative power generation resources to receive NOx allowances in proportion to the pollution prevention benefits the resources provide. These resources include wind, solar and energy efficiency

projects. Because the NOx allowances for these resources are based on the output, on par with fossil generation, the final-form rulemaking gives no competitive advantage to one form of energy production over the other in the energy market. In this way, the final-form rulemaking increases the potential for the adoption of less polluting resources.

#### *I. Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

#### *J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on April 17, 2007, the Department submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 2063, to Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the act (71 P. S. § 745.5a(j.2)), on March 5, 2008, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the act (71 P. S. § 745.5a(e)), IRRC met on March 6, 2008, and approved the final-form rulemaking.

#### *K. Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposed rulemaking published at 37 Pa.B. 2063.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

(5) These regulations are necessary for the Commonwealth to achieve and maintain ambient air quality standards and to satisfy related CAA requirements.

#### *L. Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121, 129 and 145, are amended by amending §§ 121.1, 129.201, 129.202, 129.204, 145.113 and 145.143; and by adding §§ 145.8, 145.201—145.205, 145.211—145.213 and 145.221—145.223 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.



(c) The Chairperson of the Board shall submit this order and Annex A to the IRRC and the Senate and House Committees as required by the act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* The amendment of §§ 129.201 and 129.202 was not included in the proposal at 37 Pa.B. 2063. The proposal to add § 145.101 has been withdrawn. See 38 Pa.B. 1780 (April 12, 2008) for a notice concerning this rulemaking.)

KATHLEEN A. MCGINTY,  
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document.)

**Fiscal Note:** Fiscal Note 7-411 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 25. ENVIRONMENTAL PROTECTION**

#### **PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

##### **Subpart C. PROTECTION OF NATURAL RESOURCES**

#### **ARTICLE III. AIR RESOURCES**

#### **CHAPTER 121. GENERAL PROVISIONS**

##### **§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Vintage or vintage year*—The calendar year assigned to an allowance by the issuing authority that designates the first year in which it is valid to be applied against emissions.

\* \* \* \* \*

#### **CHAPTER 129. STANDARDS FOR SOURCES**

##### **ADDITIONAL NO<sub>x</sub> REQUIREMENTS**

##### **§ 129.201. Boilers.**

(a) By May 1, 2005, and each year thereafter, the owner or operator of a boiler that meets the definition of a boiler in § 145.2 (relating to definitions) located in Bucks, Chester, Delaware, Montgomery or Philadelphia County shall comply with this section and § 129.204 (relating to emission accountability). This section does not apply to naval marine combustion units operated by the United States Navy for the purposes of testing and operational training or to units that combust municipal waste at a facility that is permitted as a resource recovery facility under Part I, Subpart D, Article VIII (relating to municipal waste).

(b) By October 31, 2005, and each year thereafter, the owner or operator of the boiler shall calculate the difference between the actual emissions from the unit for the period from May 1 through September 30 and the allowable emissions for that period.

(c) The owner or operator shall calculate allowable emissions by multiplying the unit's cumulative heat input for the period by the applicable emission rate in paragraph (1) or (2).

(1) The emission rate for a boiler with a nameplate rated capacity of greater than 100 million Btu/hour but less than or equal to 250 million Btu/hour shall be as follows:

(i) For a boiler firing natural gas or a boiler firing a noncommercial gaseous fuel, 0.10 pounds NO<sub>x</sub> per million Btu heat input.

(ii) For a boiler firing solid or liquid fuel, 0.20 pounds of NO<sub>x</sub> per million Btu heat input.

(2) The emission rate for a boiler with a nameplate rated capacity of greater than 250 million Btu/hour that is not subject to § 145.8(c) or (d) (relating to transition to CAIR NO<sub>x</sub> trading programs) shall be 0.17 pounds NO<sub>x</sub> per million Btu heat input.

##### **§ 129.202. Stationary combustion turbines.**

(a) By May 1, 2005, and each year thereafter, the owner or operator of a stationary combustion turbine with a nameplate rated capacity of greater than 100 million Btu/hour located in Bucks, Chester, Delaware, Montgomery or Philadelphia County shall comply with this section and § 129.204 (relating to emission accountability). This section does not apply to naval marine stationary combustion turbines operated by the United States Navy for the purposes of testing and operational training.

(b) By October 31, 2005, and each year thereafter, the owner or operator of the stationary combustion turbine shall calculate the difference between the actual emissions from the unit for the period from May 1 through September 30 and the allowable emissions for that period.

(c) The owner or operator shall calculate allowable emissions by multiplying the unit's cumulative heat input for the period by the applicable emission rate set forth in paragraph (1) or (2).

(1) The emission rate for a stationary combustion turbine with a nameplate rated capacity of greater than 100 million Btu/hour but less than or equal to 250 million Btu/hour heat input shall be as follows:

(i) A combined cycle or regenerative cycle stationary combustion turbine:

(A) When firing natural gas or a noncommercial gaseous fuel, 0.17 lbs NO<sub>x</sub>/MMBtu or 1.3 lbs NO<sub>x</sub>/MWH.

(B) When firing oil, 0.26 lbs NO<sub>x</sub>/MMBtu or 2.0 lbs NO<sub>x</sub>/MWH.

(ii) A simple cycle stationary combustion turbine:

(A) When firing natural gas or a noncommercial gaseous fuel, 0.20 lbs NO<sub>x</sub>/MMBtu or 2.2 lbs NO<sub>x</sub>/MWH.

(B) When firing oil, 0.30 lbs NO<sub>x</sub>/MMBtu or 3.0 lbs NO<sub>x</sub>/MWH.

(2) The emission rate for a stationary combustion turbine with a nameplate rated capacity of greater than 250 million Btu/hour heat input that is not subject to § 145.8(c) or (d) (relating to transition to CAIR NO<sub>x</sub> trading programs) is 0.17 lbs NO<sub>x</sub> per million Btu heat input.

##### **§ 129.204. Emission accountability.**

(a) This section applies to units described in §§ 129.201–129.203 (relating to boilers; stationary combustion turbines; and stationary internal combustion engines).

(b) The owner or operator shall determine actual emissions in accordance with one of the following:

(1) If the owner or operator of the unit is required to monitor NO<sub>x</sub> emissions with a CEMS operated and maintained in accordance with a permit or State or Federal regulation, the CEMS data reported to the Department to comply with the monitoring and reporting requirements of this article shall be used. Any data invalidated under Chapter 139 (relating to sampling and testing) shall be substituted with data calculated using the potential emission rate for the unit or, if approved by the Department in writing, an alternative amount of emissions that is more representative of actual emissions that occurred during the period of invalid data.

(2) If the owner or operator of the unit is not required to monitor NO<sub>x</sub> emissions with a CEMS, one of the following shall be used to determine actual emissions NO<sub>x</sub>:

(i) The 1-year average emission rate calculated from the most recent permit emission limit compliance demonstration test data for NO<sub>x</sub>.

(ii) The maximum hourly allowable NO<sub>x</sub> emission rate contained in the permit or the higher of the following:

(A) The highest rate determined by use of the emission factor for the unit class contained in the most up-to date version of the EPA publication, "AP-42 Compilation of Air Pollution Emission Factors."

(B) The highest rate determined by use of the emission factor for the unit class contained in the most up-to date version of EPA's "Factor Information Retrieval (FIRE)" data system.

(iii) CEMS data, if the owner or operator elects to monitor NO<sub>x</sub> emissions with a CEMS. The owner or operator shall monitor emissions and report the data from the CEMS in accordance with Chapter 139 or Chapter 145 (relating to interstate pollution transport reduction). Any data invalidated under Chapter 139 shall be substituted with data calculated using the potential emission rate for the unit or, if approved by the Department in writing, an alternative amount of emissions that is more representative of actual emissions that occurred during the period of invalid data.

(iv) An alternate calculation and recordkeeping procedure based upon emissions testing and correlations with operating parameters. The operator of the unit shall demonstrate that the alternate procedure does not underestimate actual emissions throughout the allowable range of operating conditions. In regard to obtaining the Department's approval for an alternate calculation method and recordkeeping procedure for actual emissions, the owner or operator may request an adjustment to the allowable emissions calculations set forth in §§ 129.201—129.203. An allowable emission adjustment may not overestimate a unit's allowable emissions and must be based upon the parameters and procedures proposed in the alternate calculation method for actual emissions. The alternate calculation and recordkeeping procedures must be approved by the Department, in writing, prior to implementation.

(c) The owner or operator of a unit subject to this section shall surrender to the Department one CAIR NO<sub>x</sub> allowance and one CAIR NO<sub>x</sub> Ozone Season allowance, as defined in 40 CFR 96.102 and 96.302 (relating to definitions), for each ton of NO<sub>x</sub> by which the combined actual emissions exceed the allowable emissions of the units subject to this section at a facility from May 1 through

September 30. The surrendered allowances shall be of current year vintage. For the purpose of determining the amount of allowances to surrender, any remaining fraction of a ton equal to or greater than 0.50 ton is deemed to equal 1 ton and any fraction of a ton less than 0.50 ton is deemed to equal zero tons.

(d) If the combined allowable emissions from units subject to this section at a facility from May 1 through September 30 exceed the combined actual emissions from units subject to this section at the facility during the same period, the owner or operator may deduct the difference or any portion of the difference from the amount of actual emissions from units subject to this section at the owner or operator's other facilities.

(e) By November 1, 2005, and by November 1 of each year thereafter, an owner or operator of a unit subject to this section shall surrender the required NO<sub>x</sub> allowances to the Department's designated NO<sub>x</sub> allowance tracking system account and provide to the Department, in writing, the following:

(1) The serial number of each NO<sub>x</sub> allowance surrendered.

(2) The calculations used to determine the quantity of NO<sub>x</sub> allowances required to be surrendered.

(f) If an owner or operator fails to comply with subsection (e), the owner or operator shall by December 31 surrender three NO<sub>x</sub> allowances of the current or later year vintage for each NO<sub>x</sub> allowance that was required to be surrendered by November 1 of that year.

(g) The surrender of NO<sub>x</sub> allowances under subsection (f) does not affect the liability of the owner or operator of the unit for any fine, penalty or assessment, or an obligation to comply with any other remedy for the same violation, under the CAA or the act.

(1) For purposes of determining the number of days of violation, if a facility has excess emissions for the period May 1 through September 30, each day in that period (153 days) constitutes a day in violation unless the owner or operator of the unit demonstrates that a lesser number of days should be considered.

(2) Each ton of excess emissions is a separate violation.

## CHAPTER 145. INTERSTATE POLLUTION TRANSPORT REDUCTION

### Subchapter A. NO<sub>x</sub> BUDGET TRADING PROGRAM GENERAL PROVISIONS

#### § 145.8. Transition to CAIR NO<sub>x</sub> Trading Programs.

(a) *Allowances.* The final year for NO<sub>x</sub> allowance allocations to be made by the Department under §§ 145.41 and 145.42 (relating to timing requirements for NO<sub>x</sub> allowance allocations; and NO<sub>x</sub> allowance allocations) will be 2008. Allocations in 2009 will be made in accordance with the Federal CAIR Ozone Season Trading Program, 40 CFR Part 97 (relating to Federal NO<sub>x</sub> Budget Trading Program and CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs). CAIR NO<sub>x</sub> Ozone Season allowance allocations for the control period starting May 1, 2010, and for each control period thereafter, will be distributed in accordance with Subchapter D (relating to CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs).

(b) *Termination and retirement of allowances.* NO<sub>x</sub> allowances already allocated under this subchapter for 2009 or later are terminated and may not be used for compliance with the CAIR NO<sub>x</sub> Annual Trading Program or the CAIR NO<sub>x</sub> Ozone Season Trading Program, as

those terms are defined in 40 CFR 96.102 and 96.302 (relating to definitions). By January 1, 2009, the Department will permanently retire the Commonwealth's non-EGU NOx Trading Program Budget of 3,619 allowances established in § 145.40 (relating to State Trading Program budget).

(c) *Requirements replaced.* The emission limitations and monitoring requirements established in Subchapter A (relating to NOx Budget Trading Program) are replaced by the requirements in Subchapter D beginning with the May 1, 2010, control period. If the owner or operator of a NOx budget unit or CAIR NOx Ozone Season unit, as defined in 40 CFR 96.302, has failed to demonstrate compliance with § 145.54 (relating to compliance), the provisions in 40 CFR 96.354 (relating to compliance with CAIR NOx emissions limitation) shall be used to withhold CAIR NOx Ozone Season allowances, as that term is defined in 40 CFR 96.302, in calendar year 2010 and beyond. If no CAIR NOx Ozone Season allowances are provided to the unit under § 145.221 (relating to timing requirements for CAIR NOx Ozone Season allowance allocations), the owner or operator of the unit shall acquire and retire a number of CAIR NOx Ozone Season allowances as specified in 40 CFR 96.354.

(d) *Non-EGU NOx Trading Program Budget.* For units subject to the applicability requirements of § 145.4 (relating to applicability), but not subject to the CAIR NOx Ozone Season Trading Program requirements of Subchapter D, the following requirements apply:

(1) *Statewide limitation.* The sum of NOx ozone season emissions from all units subject to this subsection may not exceed the Commonwealth's non-EGU NOx Trading Program budget of 3,619 tons during any ozone season.

(2) *CAIR NOx ozone season allowances.* All units subject to this subsection shall monitor and report NOx emissions in accordance with 40 CFR Part 96, Subpart HHHH (relating to monitoring and reporting), and establish a CAIR-authorized account representative and general account, in accordance with 40 CFR Part 96, Subparts BBBB and FFFF (relating to CAIR designated representative for CAIR NOx ozone season sources; and CAIR NOx ozone season allowance tracking system), incorporated into Subchapter D by reference, for the purposes of ensuring continued compliance with the non-EGU NOx Trading Program budget limitation of paragraph (1) and of retiring CAIR NOx ozone season allowances.

(3) *CAIR NOx allowances.* All units subject to this subsection shall establish a CAIR-authorized account representative and general account in accordance with 40 CFR Part 96, Subparts BB and FF (relating to CAIR designated representative for CAIR NOx sources; and CAIR NOx allowance tracking system), incorporated into Subchapter D by reference, for the purpose of retiring CAIR NOx allowances.

(4) *Emissions below Statewide limitation.* If the total ozone season emissions from all units subject to this subsection are less than 3,438 tons of NOx, the Department's permanent retirement of allowances covers all applicable emissions and no additional account transactions are required by the units covered under this subsection.

(5) *Allowable emissions per unit.* By January 31, 2009, and by January 31 of each year thereafter, the Department will determine the allowable amount of NOx emissions for the next ozone season for each unit subject to this subsection, as follows:

Allowable emission rate X each unit's heat input

Where "Allowable emission rate" =

$$\frac{3,438 \text{ tons of NOx}}{\text{Combined heat input of all units during the most recent ozone season}}$$

(6) *Allowance surrender for excess emissions.* If the combined NOx emissions from all units subject to this subsection exceed 3,438 tons in an ozone season, then a unit whose actual emissions exceed the unit's allowable emissions for that ozone season, as determined under paragraph (5), shall surrender to the Department by April 30 of the year following the ozone season one CAIR NOx ozone season allowance and one CAIR NOx allowance for each ton of excess emissions. A unit whose excess emissions are 0.5 ton or greater of the next excess ton shall surrender 1 full ton of CAIR NOx allowances (banked or current) for that excess emission. Units under common ownership may include the allowable and actual emissions from multiple units to determine whether a unit must surrender allowances.

(7) *Surrender procedure.* To surrender allowances under paragraph (6), an owner or operator of a unit shall surrender the required CAIR NOx ozone season allowances and CAIR NOx allowances to the Department's designated NOx allowance tracking system account and provide to the Department, in writing, the following:

(i) The serial number of each allowance surrendered.

(ii) The calculations used to determine the quantity of allowances required to be surrendered.

(8) *Failure to surrender allowances.* If an owner or operator fails to comply with paragraph (6), the owner or operator shall by June 30 surrender three CAIR NOx ozone season allowances and three CAIR NOx allowances of the current or later year vintage for each ton of excess emissions as calculated under paragraph (6).

(9) *Liability not affected.* The surrender of CAIR NOx ozone season allowances and CAIR NOx allowances under paragraph (6) does not affect the liability of the owner or operator of the unit for any fine, penalty or assessment, or an obligation to comply with any other remedy for the same violation, under the CAA or the act.

(i) For purposes of determining the number of days of violation, if a facility has excess emissions for the period May 1 through September 30, each day in that period (153 days) constitutes a day in violation unless the owner or operator of the unit demonstrates that a lesser number of days should be considered.

(ii) Each ton of excess emissions is a separate violation.

(10) *Allowance retirement.* The Department will permanently retire to the Department's CAIR NOx retirement account the allowances surrendered under paragraphs (6)–(9).

(11) *Actual emissions below allowable emissions.* If a facility's allowable emissions exceed the facility's actual emissions for an ozone season, the owner or operator may deduct the difference or any portion of the difference from the actual emissions of units under the facility's common control that are subject to §§ 129.201–129.203 (relating

to boilers; stationary combustion turbines; and stationary internal combustion engines).

(12) *Corrections.* One hundred and eighty-one tons of allowable NO<sub>x</sub> emissions are available to the Department annually for accounting corrections.

**Subchapter B. EMISSIONS OF NO<sub>x</sub> FROM STATIONARY INTERNAL COMBUSTION ENGINES**

**§ 145.113. Standard requirements.**

\* \* \* \* \*

(d) The owner or operator of a unit subject to this section shall surrender to the Department one CAIR NO<sub>x</sub> allowance and one CAIR NO<sub>x</sub> ozone season allowance, as defined in 40 CFR 96.102 and 96.302 (relating to definitions), for each ton of NO<sub>x</sub> by which the combined actual emissions exceed the allowable emissions of the units subject to this section at a facility from May 1 through September 30. The surrendered allowances shall be of current year vintage. For the purposes of determining the amount of allowances to surrender, any remaining fraction of a ton equal to or greater than 0.50 ton is deemed to equal 1 ton and any fraction of a ton less than 0.50 ton is deemed to equal zero tons.

\* \* \* \* \*

**Subchapter C. EMISSIONS OF NO<sub>x</sub> FROM CEMENT MANUFACTURING**

**§ 145.143. Standard requirements.**

(a) By October 31, 2005, and each year thereafter, the owner or operator of a Portland cement kiln shall calculate the difference between the actual emissions from the unit during the period from May 1 through September 30 and the allowable emissions for that period.

(b) The owner or operator shall determine allowable emissions by multiplying the tons of clinker produced by the Portland cement kiln for the period by 6 pounds per ton of clinker produced.

(c) The owner or operator shall install and operate a CEMS, and shall report CEMS emissions data, in accordance with the CEMS requirements of either Chapter 139 or 145 (relating to sampling and testing; and interstate pollution transport reduction) and calculate actual emissions using the CEMS data reported to the Department. Any data invalidated under Chapter 139 shall be substituted with data calculated using the potential emission rate for the unit or, if approved by the Department in writing, an alternative amount of emissions that is more representative of actual emissions that occurred during the period of invalid data.

(d) The owner or operator of a Portland cement kiln subject to this section shall surrender to the Department one CAIR NO<sub>x</sub> allowance and one CAIR NO<sub>x</sub> ozone season allowance, as defined in 40 CFR 96.102 and 96.302 (relating to definitions), for each ton of NO<sub>x</sub> by which the combined actual emissions exceed the allowable emissions of the Portland cement kilns subject to this section at a facility from May 1 through September 30. The surrendered allowances shall be of current year vintage. For the purposes of determining the amount of allowances to surrender, any remaining fraction of a ton equal to or greater than 0.50 ton is deemed to equal 1 ton and any fraction of a ton less than 0.50 ton is deemed to equal zero tons.

(e) If the combined allowable emissions from Portland cement kilns at a facility from May 1 through September 30 exceed the combined actual emissions from Portland cement kilns subject to this section at the facility during

the same period, the owner or operator may deduct the difference or any portion of the difference from the amount of actual emissions from Portland cement kilns at the owner or operator's other facilities located in this Commonwealth for that period.

(f) By November 1, 2005, and each year thereafter, an owner or operator subject to this subchapter shall surrender the required NO<sub>x</sub> allowances to the Department's designated NO<sub>x</sub> allowance tracking system account, as defined in § 121.1 (relating to definitions), and shall provide in writing to the Department, the following:

(1) The serial number of each NO<sub>x</sub> allowance surrendered.

(2) The calculations used to determine the quantity of NO<sub>x</sub> allowances required to be surrendered.

(g) If an owner or operator fails to comply with subsection (f), the owner or operator shall by December 31 surrender three NO<sub>x</sub> allowances of the current or later year vintage for each NO<sub>x</sub> allowance that was required to be surrendered by November 1.

(h) The surrender of NO<sub>x</sub> allowances under subsection (g) does not affect the liability of the owner or operator of the Portland cement kiln for any fine, penalty or assessment, or an obligation to comply with any other remedy for the same violation, under the CAA or the act.

(1) For purposes of determining the number of days of violation, if a facility has excess emissions for the period May 1 through September 30, each day in that period (153 days) constitutes a day in violation unless the owner or operator of the Portland cement kiln demonstrates that a lesser number of days should be considered.

(2) Each ton of excess emissions is a separate violation.

**Subchapter D. CAIR NO<sub>x</sub> AND SO<sub>2</sub> TRADING PROGRAMS**

**GENERAL PROVISIONS**

- 145.201. Purpose.
- 145.202. Definitions.
- 145.203. Applicability.
- 145.204. Incorporation of Federal regulations by reference.

**ADDITIONAL REQUIREMENTS FOR CHAPTER 127 EMISSION REDUCTION CREDIT PROVISIONS**

- 145.205. Emission reduction credit provisions.

**ADDITIONAL REQUIREMENTS FOR CAIR NO<sub>x</sub> ANNUAL TRADING PROGRAM**

- 145.211. Timing requirements for CAIR NO<sub>x</sub> allowance allocations.
- 145.212. CAIR NO<sub>x</sub> allowance allocations.
- 145.213. Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.170—96.175.

**ADDITIONAL REQUIREMENTS FOR CAIR NO<sub>x</sub> OZONE SEASON TRADING PROGRAM**

- 145.221. Timing requirements for CAIR NO<sub>x</sub> ozone season allowance allocations.
- 145.222. CAIR NO<sub>x</sub> ozone season allowance allocations.
- 145.223. Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.370—96.375.

**GENERAL PROVISIONS**

**§ 145.201. Purpose.**

This subchapter incorporates by reference the CAIR NO<sub>x</sub> Annual Trading Program and CAIR NO<sub>x</sub> Ozone Season Trading Program as a means of mitigating the interstate transport of fine particulates and NO<sub>x</sub>, and the CAIR SO<sub>2</sub> Trading Program as a means of mitigating the interstate transport of fine particulates and SO<sub>2</sub>. This subchapter also establishes general provisions and the

applicability, allowance and supplemental monitoring, recordkeeping and reporting provisions.

**§ 145.202. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Demand side management*—The management of customer consumption of electricity or the demand for electricity through the implementation of any of the following:

(i) Energy efficiency technologies, management practices or other strategies in residential, commercial, institutional or government customers that reduce electricity consumption by those customers.

(ii) Load management or demand response technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand.

(iii) Industrial by-product technologies consisting of the use of a by-product from an industrial process, including the reuse of energy from exhaust gases or other manufacturing by-products that are used in the direct production of electricity at the facility of a customer.

*Demand side management energy efficiency qualifying resource*—A demand side management energy efficiency measure that has no associated NOx emissions and that generates certified alternative energy credit.

*EIA*—The Energy Information Administration of the United States Department of Energy or its successor.

*MWh*—Megawatt-hour—One million watt-hours.

*Pennsylvania Alternative Energy Portfolio Standard*—An applicable standard promulgated under the Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8).

*Renewable energy*—

(i) Renewable energy generated by one or more of the following fuels, energy resources or technologies, and that does not emit NOx or SO<sub>2</sub>:

(A) Solar photovoltaic or solar thermal energy.

(B) Wind energy.

(C) Fuel cells that do not employ a fuel processor that emits NOx.

(D) Ocean thermal, wave or tidal energy.

(E) Low-impact hydro energy.

(F) Geothermal energy.

(ii) The term does not include energy generated from nuclear fuel, biomass, landfill gas, fuel cells that employ a fuel processor that emits NOx, or hydro using pumped storage.

*Renewable energy certificate*—The tradable alternative energy credit instrument generated under, and used to establish, verify and monitor compliance with, the Pennsylvania Alternative Energy Portfolio Standard. A unit of credit shall equal 1 megawatt-hour of electricity from an alternative energy source.

*Renewable energy qualifying resource*—A renewable energy measure that generates renewable energy certificates.

**§ 145.203. Applicability.**

This subchapter applies to CAIR NOx units, CAIR NOx ozone season units and CAIR SO<sub>2</sub> units.

**§ 145.204. Incorporation of Federal regulations by reference.**

(a) Except as otherwise specified in this subchapter, the provisions of the CAIR NOx Annual Trading Program, found in 40 CFR Part 96 (relating to NOx budget trading program and CAIR NOx and SO<sub>2</sub> trading programs for State implementation plans), including all appendices, future amendments and supplements thereto, are incorporated by reference.

(b) Except as otherwise specified in this subchapter, the provisions of the CAIR SO<sub>2</sub> Trading Program, found in 40 CFR Part 96, including all appendices, future amendments and supplements thereto, are incorporated by reference.

(c) Except as otherwise specified in this subchapter, the provisions of the CAIR NOx Ozone Season Trading Program, found in 40 CFR Part 96, including all appendices, future amendments and supplements thereto, are incorporated by reference.

(d) In the event of a conflict between Federal regulatory provisions incorporated by reference in this subchapter and Pennsylvania regulatory provisions, the provision expressly set out in this subchapter shall be followed unless the Federal provision is more stringent. Federal regulations that are cited in this subchapter or that are cross-referenced in the Federal regulations incorporated by reference include any Pennsylvania modifications made to those Federal regulations.

**ADDITIONAL REQUIREMENTS FOR CHAPTER 127  
EMISSION REDUCTION CREDIT PROVISIONS**

**§ 145.205. Emission reduction credit provisions.**

The following conditions shall be satisfied in order for the Department to issue a permit or plan approval to the owner or operator of a unit not subject to this subchapter that is relying on emissions reduction credits (ERCs) or creditable emissions reductions in an applicability determination under Chapter 127, Subchapter E (relating to new source review), or is seeking to enter into an emissions trade authorized under Chapter 127 (relating to construction, modification, reactivation and operation of sources), if the ERCs or creditable emission reductions were, or will be, generated by a unit subject to this subchapter.

(1) Prior to issuing the permit or plan approval, the Department will permanently reduce the Commonwealth's CAIR NOx trading budget or CAIR NOx Ozone Season Trading Budget, or both, as applicable, beginning with the sixth control period following the date the plan approval or permit to commence operations or increase emissions is issued. The Department will permanently reduce the applicable CAIR NOx budgets by an amount of allowances equal to the ERCs or creditable emission reductions relied upon in the applicability determination for the non-CAIR unit subject to Chapter 127, Subchapter E or in the amount equal to the emissions trade authorized under Chapter 127, as if these emissions had already been emitted.

(2) The permit or plan approval must prohibit the owner or operator from commencing operation or increasing emissions until the owner or operator of the CAIR unit generating the ERC or creditable emission reduction surrenders to the Department an amount of allowances

equal to the ERCs or emission reduction credits relied upon in the applicability determination for the non-CAIR unit under Chapter 127, Subchapter E or the amount equal to the ERC trade authorized under Chapter 127, for each of the five consecutive control periods following the date the non-CAIR unit commences operation or increases emissions. The allowances surrendered must be of present or past vintage years.

# **ADDITIONAL REQUIREMENTS FOR CAIR NO<sub>x</sub> ANNUAL TRADING PROGRAM**

## **§ 145.211. Timing requirements for CAIR NO<sub>x</sub> allowance allocations.**

(a) *Provisions not incorporated by reference.* The requirements of 40 CFR 96.141 (relating to timing requirements for CAIR NO<sub>x</sub> allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.141, the requirements set forth in this section apply.

(b) *Regular allocations.* The Department will make regular allocations of CAIR NO<sub>x</sub> allowances as follows:

(1) Except for allocations made under subsection (c), by April 30, 2008, the Department will submit to the Administrator the CAIR NO<sub>x</sub> allowance allocations made in accordance with § 145.212 (relating to CAIR NO<sub>x</sub> allowance allocations) for the control periods in 2010-2012 in a format prescribed by the Administrator.

(2) Except for allocations made under subsection (c), by April 30, 2009, the Department will submit to the Administrator the CAIR NO<sub>x</sub> allowance allocations made in accordance with § 145.212 for the control period in 2013 in a format prescribed by the Administrator. By April 30 every year after 2009, the Department will submit the allocations for the next consecutive control period.

(3) The Department will reserve 1.3% of the CAIR NO<sub>x</sub> Trading Budget for each annual control period for allocation to units as provided under § 145.212(f)(2).

(c) *New CAIR NO<sub>x</sub> unit allowance allocations.* By April 30, 2011, and by April 30 every year thereafter, the Department will submit to the Administrator the CAIR NO<sub>x</sub> allowance allocations made in accordance with § 145.212(e). The Department will base the allocations on actual emissions in the calendar year preceding the year of the submission.

(d) *Publication.* The Department will publish notice of the proposed CAIR NO<sub>x</sub> allowance allocations in the *Pennsylvania Bulletin* and will publish the final allocations after a 15-day public comment period. The Department will include in the notice the name and telephone number of a person to contact for access to additional information. The Department will publish notice according to the following schedule:

(1) For allocations made under subsection (b)(1), by April 1, 2008.

(2) For allocations made under subsection (b)(2), by April 1, 2009, and by April 1 every year thereafter.

(3) For allocations made under subsection (c), by March 1 each year, beginning in 2011.

(e) *Order of budget allowance withdrawal.* The Department will issue CAIR NO<sub>x</sub> allowances from the CAIR NO<sub>x</sub> Trading Budget established in 40 CFR 96.140 (relating to State trading budgets) in the following order:

(1) To new units under § 145.212(e).

(2) To units under § 145.212(f)(2).

(3) To units under § 145.212(c).

## **§ 145.212. CAIR NO<sub>x</sub> allowance allocations.**

(a) *Provisions not incorporated by reference.* The requirements of 40 CFR 96.142 (relating to CAIR NO<sub>x</sub> allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.142, the requirements in this section apply.

(b) *Baseline heat input.* Baseline heat input for each CAIR NO<sub>x</sub> unit will be converted as follows:

(1) A unit's control period heat input and a unit's status as coal-fired or oil-fired for a calendar year under this paragraph will be determined in one of the following two ways:

(i) In accordance with 40 CFR Part 75 (relating to continuous emission monitoring), to the extent that the unit was otherwise subject to 40 CFR Part 75 for the year.

(ii) Based on the best available data reported to the Department for the unit, to the extent the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the year.

(2) Except as provided in subparagraphs (iv) and (v), a unit's converted control period heat input for a calendar year shall be determined as follows:

(i) The control period gross electrical output of the generators served by the unit multiplied by 7,900 Btu/kWh if the unit is coal-fired for the year, and divided by 1,000,000 Btu/mmBtu.

(ii) The control period gross electrical output of the generators served by the unit multiplied by 6,675 Btu/kWh if the unit is not coal-fired for the year, and divided by 1,000,000 Btu/mmBtu.

(iii) If a generator is served by two or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the share of the total control period heat input from each of the units for the year.

(iv) For a unit that is a boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the total heat energy (in Btus) of the steam produced by the boiler during the annual control period, divided by 0.8 and by 1,000,000 Btu/mmBtu.

(v) For a unit that is a combustion turbine and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the annual control period gross electrical output of the enclosed device comprising the compressor, combustor and turbine multiplied by 3,413 Btu/kWh, plus the total heat energy (in Btu) of the steam produced by any associated heat recovery steam generator during the annual control period divided by 0.8, and with the sum divided by 1,000,000 Btu/mmBtu.

(vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam

output data are not available from EIA, or submitted by this date by the owner or operator of the CAIR NO<sub>x</sub> unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.

(c) *Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline.* For each control period beginning with January 1, 2010, and each year thereafter, the Department will allocate to qualifying resources and CAIR NO<sub>x</sub> units, including CAIR NO<sub>x</sub> units issued allowances under subsection (e), a total amount of CAIR NO<sub>x</sub> allowances equal to the number of CAIR NO<sub>x</sub> allowances remaining in the Commonwealth's CAIR NO<sub>x</sub> trading budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from a baseline year that is 6 calendar years before the control period.

(d) *Proration of allowance allocations.* The Department will allocate CAIR NO<sub>x</sub> allowances to each existing CAIR NO<sub>x</sub> unit and qualifying resource in an amount determined by multiplying the amount of CAIR NO<sub>x</sub> allowances in the Commonwealth's CAIR NO<sub>x</sub> trading budget available for allocation under subsection (c) by the ratio of the baseline heat input of the existing CAIR NO<sub>x</sub> unit or qualifying resource to the sum of the baseline heat input of existing CAIR NO<sub>x</sub> units and of the qualifying resources, rounding to the nearest whole allowance as appropriate.

(e) *Allocations to new CAIR NO<sub>x</sub> units.* By March 31, 2011, and March 31 each year thereafter, the Department will allocate CAIR NO<sub>x</sub> allowances under § 145.211(c) (relating to timing requirements for CAIR NO<sub>x</sub> allowance allocations) to CAIR NO<sub>x</sub> units equal to the previous year's emissions at each unit, unless the unit has been issued allowances of the previous year's vintage in a regular allocation under § 145.211(b). The Department will allocate CAIR NO<sub>x</sub> allowances under this subsection of a vintage year that is 5 years later than the year in which the emissions were generated. The number of CAIR NO<sub>x</sub> allowances allocated may not exceed the actual emission of the year preceding the year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

(f) *Allocations to qualifying resources and units exempted by section 405(g)(6)(a) of the Clean Air Act.* For each control period beginning with 2010 and thereafter, the Department will allocate CAIR NO<sub>x</sub> allowances to qualifying resources under paragraph (1) in this Commonwealth that are not also allocated CAIR NO<sub>x</sub> allowances under another provision of this subchapter and to existing units under paragraph (2) that were exempted at any time under section 405(g)(6)(a) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)), regarding phase II SO<sub>2</sub> requirements, and that commenced operation prior to January 1, 2000, but did not receive an allocation of SO<sub>2</sub> allowances under the EPA's Acid Rain Program, as follows:

(1) The Department will allocate CAIR NO<sub>x</sub> allowances to a renewable energy qualifying resource or demand side management energy efficiency qualifying resource in accordance with subsections (c) and (d) upon receipt by the Department of an application, in writing, on or before June 30 of the year following the control period, except for vintage year 2011 and 2012 NO<sub>x</sub> allowance allocations whose application deadline will be prescribed by the Department, meeting the requirements of this paragraph.

The number of allowances allocated to the qualifying resource will be determined by converting the certified quantity of electric energy production, useful thermal energy, and energy equivalent value of the measures approved under the Pennsylvania Alternative Energy Portfolio Standard to equivalent thermal energy. Equivalent thermal energy is a unit's baseline heat input for allocation purposes. The conversion rate for converting electrical energy to equivalent thermal energy is 3,413 Btu/kWh. To receive allowances under this subsection, the qualifying resource must have commenced operation after January 1, 2005, must be located in this Commonwealth and may not be a CAIR NO<sub>x</sub> unit. The following procedures apply:

(i) The owner of a qualifying renewable energy resource shall appoint a CAIR-authorized account representative and file a certificate of representation with the EPA and the Department.

(ii) The Department will transfer the allowances into an account designated by the owner's CAIR-authorized account representative of the qualifying resource, or into an account designated by an aggregator approved by the Pennsylvania Public Utility Commission or its designee.

(iii) The applicant shall provide the Department with the corresponding renewable energy certificate serial numbers.

(iv) At least one whole allowance must be generated per owner, operator or aggregator for an allowance to be issued.

(2) The Department will allocate CAIR NO<sub>x</sub> allowances to the owner or operator of a CAIR SO<sub>2</sub> unit that commenced operation prior to January 1, 2000, that has not received an SO<sub>2</sub> allocation for that compliance period, as follows:

(i) By January 31, 2011, and each year thereafter, the owner or operator of a unit may apply, in writing, to the Department under this subsection to receive extra CAIR NO<sub>x</sub> allowances.

(ii) The owner or operator may request under this subparagraph one CAIR NO<sub>x</sub> allowance for every 8 tons of SO<sub>2</sub> emitted from a qualifying unit during the preceding control period. An owner or operator of a unit covered under this subparagraph that has opted into the Acid Rain Program may request one CAIR NO<sub>x</sub> allowance for every 8 tons of SO<sub>2</sub> emissions that have not been covered by the SO<sub>2</sub> allowances received as a result of opting into the Acid Rain Program.

(iii) If the original CAIR NO<sub>x</sub> allowance allocation for the unit for the control period exceeded the unit's actual emissions of NO<sub>x</sub> for the control period, the owner or operator shall also deduct the excess CAIR NO<sub>x</sub> allowances from the unit's request under subparagraph (ii). This amount is the unit's adjusted allocation and will be allocated unless the proration described in subparagraph (iv) applies.

(iv) The Department will make any necessary corrections and then sum the requests. If the total number of NO<sub>x</sub> allowances requested by all qualified units under this paragraph, as adjusted by subparagraph (iii), is less than 1.3% of the Commonwealth's CAIR NO<sub>x</sub> Trading Budget, the Department will allocate the corrected amounts. If the total number of NO<sub>x</sub> allowances requested by all qualified units under this paragraph

exceeds 1.3% of the Commonwealth's CAIR NO<sub>x</sub> Trading Budget, the Department will prorate the allocations based upon the following equation:

$$A_A = [E_A \times (0.013 \times B_{NA})] / T_{RA}$$

where,

$A_A$  is the unit's prorated allocation,

$E_A$  is the adjusted allocation the unit may request under subparagraph (iii),

$B_{NA}$  is the total number of CAIR NO<sub>x</sub> allowances in the Commonwealth's CAIR NO<sub>x</sub> Trading Budget,

$T_{RA}$  is the total number of CAIR NO<sub>x</sub> allowances requested by all units requesting allowances under this paragraph.

(3) The Department will review each CAIR NO<sub>x</sub> allowance allocation request under this subsection and will allocate CAIR NO<sub>x</sub> allowances for each control period under a request as follows:

(i) The Department will accept an allowance allocation request only if the request meets, or is adjusted by the Department as necessary to meet, the requirements of this section.

(ii) On or after January 1 of the year of allocation, the Department will determine the sum of the CAIR NO<sub>x</sub> allowances requested.

(4) Up to 1.3% of the Commonwealth's CAIR NO<sub>x</sub> trading budget is available for allocation in each allocation cycle from 2011-2016 to allocate 2010-2015 allowances for the purpose of offsetting SO<sub>2</sub> emissions from units described in paragraph (2). Beginning January 1, 2017, and for each allocation cycle thereafter, the units will no longer be allocated CAIR NO<sub>x</sub> allowances under paragraph (2). Any allowances remaining after this allocation will be allocated to units under § 145.212(c) during the next allocation cycle.

(5) Notwithstanding the provisions of paragraphs (2)—(4), the Department may extend, terminate or otherwise modify the allocation of NO<sub>x</sub> allowances made available under this subsection for units exempted under section 405(g)(6)(a) of the Clean Air Act after providing notice in the *Pennsylvania Bulletin* and at least a 30-day public comment period.

(g) The Department will correct any errors in allocations made by the Department and discovered after final allocations are made but before the next allocation cycle, in the subsequent allocation cycle using future allowances that have not yet been allocated.

**§ 145.213. Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.170—96.175.**

(a) By January 1, 2009, or by the date of commencing commercial operation, whichever is later, the owner or operator of the CAIR NO<sub>x</sub> unit shall install, calibrate, maintain and operate a wattmeter, measure gross electrical output in megawatt-hours on a continuous basis and record the output of the wattmeter. If a generator is served by two or more units, the information to determine the heat input of each unit for that control period shall also be recorded, so as to allow each unit's share of the gross electrical output to be determined. If heat input data are used, the owner or operator shall comply with the applicable provisions of 40 CFR Part 75 (relating to continuous emission monitoring).

(b) By September 1, 2008, for a CAIR NO<sub>x</sub> unit that is a cogeneration unit, and for a CAIR NO<sub>x</sub> unit with cogeneration capabilities, the owner or operator shall install, calibrate, maintain and operate meters for steam flow in lbs/hr, temperature in degrees Fahrenheit, and pressure in PSI, to measure and record the useful thermal energy that is produced, in mmBtu/hr, on a continuous basis. The owner or operator of a CAIR NO<sub>x</sub> unit that produces useful thermal energy but uses an energy transfer medium other than steam, such as hot water or glycol, shall install, calibrate, maintain and operate the necessary meters to measure and record the data necessary to express the useful thermal energy produced, in mmBtu/hr, on a continuous basis. If the unit ceases to produce useful thermal energy, the owner or operator may cease operation of the meters, but operation of the meters shall be resumed if the unit resumes production of useful thermal energy.

(c) Beginning with 2009, the designated representative of the unit shall submit to the Department an annual report showing monthly gross electrical output and monthly useful thermal energy from the unit. The report is due by January 31 for the preceding calendar year.

(d) The owner or operator of a CAIR NO<sub>x</sub> unit shall maintain onsite the monitoring plan detailing the monitoring system and maintenance of the monitoring system, including quality assurance activities. The owner or operator of a CAIR NO<sub>x</sub> unit shall retain the monitoring plan for at least 5 years from the date that it is replaced by a new or revised monitoring plan. The owner or operator of a CAIR NO<sub>x</sub> unit shall provide the Department with a written copy of the monitoring plan by January 1, 2009, and thereafter within 3 calendar months of making updates to the plan.

(e) The owner or operator of a CAIR NO<sub>x</sub> unit shall retain records for at least 5 years from the date the record is created or the data collected as required by subsections (a) and (b), and the reports submitted to the Department and the EPA in accordance with subsections (c) and (d).

**ADDITIONAL REQUIREMENTS FOR CAIR NO<sub>x</sub> OZONE SEASON TRADING PROGRAM**

**§ 145.221. Timing requirements for CAIR NO<sub>x</sub> ozone season allowance allocations.**

(a) *Provisions not incorporated by reference.* The requirements of 40 CFR 96.341 (relating to timing requirements for CAIR NO<sub>x</sub> ozone season allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.341, the requirements in this section apply.

(b) *Regular allocations.* The Department will make regular allocations of CAIR NO<sub>x</sub> ozone season allowances as follows:

(1) Except for allocations made under subsection (c), by April 30, 2008, the Department will submit to the Administrator the CAIR NO<sub>x</sub> ozone season allowance allocations made in accordance with § 145.222 (relating to CAIR NO<sub>x</sub> ozone season allowance allocations) for the control periods in 2010-2012 in a format prescribed by the Administrator.

(2) Except for allocations made under subsection (c), by April 30, 2009, the Department will submit to the Administrator the CAIR NO<sub>x</sub> ozone season allowance allocations made in accordance with § 145.222 for the control period in 2013 in a format prescribed by the Administrator. By April 30 every year after 2009, the Department will submit the allocations for the next consecutive control period.



(c) *New CAIR NO<sub>x</sub> unit allowance allocations.* By April 30, 2011, and by April 30 every year thereafter, the Department will submit to the Administrator the CAIR NO<sub>x</sub> Ozone Season allowance allocations made in accordance with § 145.222(e). The Department will base the allocations on actual emissions in the ozone season in the calendar year preceding the year of the submission.

(d) *Publication.* The Department will publish notice of the proposed CAIR NO<sub>x</sub> Ozone Season allowance allocations in the *Pennsylvania Bulletin* and will publish the final allocations after a 15-day public comment period. The Department will include in the notice the name and telephone number of a person to contact for access to additional information. The Department will publish notice according to the following schedule:

(1) For allocations made under subsection (b)(1), by April 1, 2008.

(2) For allocations made under subsection (b)(2), by April 1, 2009, and by April 1 every year thereafter.

(3) For allocations made under subsection (c), by March 1 each year, beginning in 2011.

(e) *Order of budget allowance withdrawal.* The Department will issue CAIR NO<sub>x</sub> ozone season allowances from the CAIR NO<sub>x</sub> ozone season Trading Budget established in 40 CFR 96.240 (relating to State trading budgets) in the following order:

(1) To new units under § 145.222(e).

(2) To units under § 145.222(c).

**§ 145.222. CAIR NO<sub>x</sub> Ozone Season allowance allocations.**

(a) *Provisions not incorporated by reference.* The requirements of 40 CFR 96.342 (relating to CAIR NO<sub>x</sub> ozone season allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.342, the requirements in this section apply.

(b) *Baseline heat input.* Baseline heat input for each CAIR NO<sub>x</sub> ozone season unit will be converted as follows:

(1) A unit's control period heat input and a unit's status as coal-fired or oil-fired for the ozone season portion of a calendar year under this paragraph will be determined in one of the following two ways:

(i) In accordance with 40 CFR Part 75 (relating to continuous emission monitoring), to the extent that the unit was otherwise subject to the requirements of 40 CFR Part 75 for the control period.

(ii) Based on the best available data reported to the Department for the unit, to the extent the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the year.

(2) Except as provided in subparagraphs (iv) and (v), a unit's converted control period heat input for the ozone season portion of a calendar year shall be determined as follows:

(i) The control period gross electrical output of the generators served by the unit multiplied by 7,900 Btu/kWh if the unit is coal-fired for the ozone season control period, and divided by 1,000,000 Btu/mmBtu.

(ii) The control period gross electrical output of the generators served by the unit multiplied by 6,675 Btu/kWh if the unit is not coal-fired for the ozone season control period, and divided by 1,000,000 Btu/mmBtu.

(iii) If a generator is served by 2 or more units, the gross electrical output of the generator will be attributed

to each unit in proportion to the share of the total control period heat input from each of the units for the ozone season control period.

(iv) For a unit that is a boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the total heat energy (in Btus) of the steam produced by the boiler during the ozone season control period, divided by 0.8 and by 1,000,000 Btu/mmBtu.

(v) For a unit that is a combustion turbine and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the control period gross electrical output of the enclosed device comprising the compressor, combustor and turbine multiplied by 3,413 Btu/kWh, plus the total heat energy (in Btu) of the steam produced by any associated heat recovery steam generator during the ozone season control period divided by 0.8, and with the sum divided by 1,000,000 Btu/mmBtu.

(vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam output data are not available from EIA, or submitted by this date by the owner or operator of the CAIR NO<sub>x</sub> Ozone Season unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.

(c) *Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline.* For each control period beginning with the 2010 control period and thereafter, the Department will allocate to qualifying resources and CAIR NO<sub>x</sub> ozone season units, including CAIR NO<sub>x</sub> ozone season units issued allowances under subsection (e), a total amount of CAIR NO<sub>x</sub> ozone season allowances equal to the number of CAIR NO<sub>x</sub> ozone season allowances remaining in the Commonwealth's CAIR NO<sub>x</sub> Ozone Season Trading Budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from an ozone season control period in a baseline year that is 6 calendar years before the control period.

(d) *Proration of allowance allocations.* The Department will allocate CAIR NO<sub>x</sub> ozone season allowances to each existing CAIR NO<sub>x</sub> ozone season unit and qualifying resource in an amount determined by multiplying the amount of CAIR NO<sub>x</sub> ozone season allowances in the Commonwealth's CAIR NO<sub>x</sub> ozone season Trading Budget available for allocation under subsection (c) by the ratio of the baseline heat input of the existing CAIR NO<sub>x</sub> ozone season unit or qualifying resource to the sums of the baseline heat input of existing CAIR NO<sub>x</sub> ozone season units and of the qualifying resources, rounding to the nearest whole allowance as appropriate.

(e) *Allocations to new CAIR NO<sub>x</sub> ozone season units.* By March 31, 2011, and March 31 each year thereafter, the Department will allocate CAIR NO<sub>x</sub> ozone season allowances under § 145.221(c) (relating to timing requirements for CAIR NO<sub>x</sub> ozone season allowance allocations) to CAIR NO<sub>x</sub> ozone season units equal to the previous year's emissions at each unit, unless the unit has been issued allowances of the previous year's vintage in a regular allocation under § 145.221(b). The Department will allocate CAIR NO<sub>x</sub> allowances under this subsection of a vintage year that is 5 years later than the year in

which the emissions were generated. The number of CAIR NOx ozone season allowances allocated shall not exceed the actual emission of the year preceding the year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

(f) *Allocations to qualifying resources.* For each control period beginning with the 2010 control period, and thereafter, the Department will allocate CAIR NOx ozone season allowances to qualifying resources in this Commonwealth that are not also allocated CAIR NOx ozone season allowances under another provision of this subchapter, as follows:

(1) The Department will allocate CAIR NOx ozone season allowances to a renewable energy qualifying resource or demand side management energy efficiency qualifying resource in accordance with subsections (c) and (d) upon receipt by the Department of an application, in writing, on or before June 30 of the year following the control period, except for vintage year 2011 and 2012 NOx ozone season allowance allocations whose application deadline will be prescribed by the Department, meeting the requirements of this paragraph. The number of allowances allocated to the qualifying resource will be determined by converting the certified quantity of electric energy production, useful thermal energy, and energy equivalent value of the measures approved under the Pennsylvania Alternative Energy Portfolio Standard to equivalent thermal energy. Equivalent thermal energy is a unit's baseline heat input for allocation purposes. The conversion rate for converting electrical energy to equivalent thermal energy is 3,413 Btu/kWh. To receive allowances under this subsection, the qualifying resource must have commenced operation after January 1, 2005, must be located in this Commonwealth and may not be a CAIR NOx ozone season unit. The following procedures apply:

(i) The owner of a qualifying renewable energy resource shall appoint a CAIR-authorized account representative and file a certificate of representation with the EPA and the Department.

(ii) The Department will transfer the allowances into an account designated by the owner's CAIR-authorized account representative of the qualifying resource, or into an account designated by an aggregator approved by the Pennsylvania Public Utility Commission or its designee.

(iii) The applicant shall provide the Department with the corresponding renewable energy certificate serial numbers.

(iv) At least one whole allowance must be generated per owner, operator or aggregator for an allowance to be issued.

(g) The Department will correct any errors in allocations made by the Department and discovered after final allocations are made but before the next allocation cycle, in the subsequent allocation cycle using future allowances that have not yet been allocated.

**§ 145.223. Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.370—96.375.**

(a) By January 1, 2009, or by the date of commencing commercial operation, whichever is later, the owner or operator of the CAIR NOx ozone season unit shall install, calibrate, maintain and operate a wattmeter, measure gross electrical output in megawatt-hours on a continuous

basis and record the output of the wattmeter. If a generator is served by two or more units, the information to determine the heat input of each unit for that control period shall also be recorded, so as to allow each unit's share of the gross electrical output to be determined. If heat input data are used, the owner or operator shall comply with the applicable provisions of 40 CFR Part 75 (relating to continuous emission monitoring).

(b) By September 1, 2008, for a CAIR NOx ozone season unit that is a cogeneration unit, and for a CAIR NOx ozone season unit with cogeneration capabilities, the owner or operator shall install, calibrate, maintain and operate meters for steam flow in lbs/hr, temperature in degrees Fahrenheit and pressure in PSI, to measure and record the useful thermal energy that is produced, in mmBtu/hr, on a continuous basis. The owner or operator of a CAIR NOx ozone season unit that produces useful thermal energy but uses an energy transfer medium other than steam, such as hot water or glycol, shall install, calibrate, maintain and operate the necessary meters to measure and record the data necessary to express the useful thermal energy produced, in mmBtu/hr, on a continuous basis. If the unit ceases to produce useful thermal energy, the owner or operator may cease operation of the meters, but operation of the meters shall be resumed if the unit resumes production of useful thermal energy.

(c) Beginning with 2009, the designated representative of the unit shall submit to the Department an annual report showing monthly gross electrical output and monthly useful thermal energy from the unit. The report is due by January 31 for the preceding calendar year.

(d) The owner or operator of a CAIR NOx ozone season unit shall maintain onsite the monitoring plan detailing the monitoring system and maintenance of the monitoring system, including quality assurance activities. The owner or operator of a CAIR NOx ozone season unit shall retain the monitoring plan for at least 5 years from the date that it is replaced by a new or revised monitoring plan. The owner or operator of a CAIR NOx ozone season unit shall provide the Department with a written copy of the monitoring plan by January 1, 2009, and thereafter within 3 calendar months of making updates to the plan.

(e) The owner or operator of a CAIR NOx ozone season unit shall retain records for at least 5 years from the date the record is created or the data collected as required by subsections (a) and (b), and the reports submitted to the Department and the EPA in accordance with subsections (c) and (d).

[Pa.B. Doc. No. 08-667. Filed for public inspection April 11, 2008, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 91 ]

#### Boating

The Fish and Boat Commission (Commission) amends Chapter 91 (relating to general provisions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking amends the regulations regarding Boating Safety Education Certificates and the criteria for courses in boating safety education.

#### A. *Effective Date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The amendments to §§ 91.6 and 91.7 (relating to Boating Safety Education Certificates; and criteria for courses of instruction in boating safety education) are published under the statutory authority of section 5103 of the code (relating to boating education programs).

#### D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's regulations pertaining to boating education. The specific purpose of the amendments is described in more detail under the summary of changes.

#### E. *Summary of Changes*

The act of December 9, 2002, (P. L. 1542, No. 199) (act) amended 30 Pa.C.S. § 5103 to provide for mandatory boater education. The act established a requirement for persons born after January 1, 1982, and operating a boat powered by a motor in excess of 25 horsepower to obtain and carry a certificate of boating safety education. The act also required the Commission to promulgate regulations that establish criteria for a course of instruction in boating safety education. The Commission subsequently amended its regulation in § 91.6 to describe more fully what constitutes a Boating Safety Education Certificate and distinguished between residents and nonresidents. The Commission also adopted a new regulation in § 91.7 that authorized the Executive Director to designate, by notice, organizations that offer safety education courses that are acceptable for residents, nonresidents or both. The section further provided that to be approved by the Commission, a course of instruction in boating safety education has to meet the National Boating Safety Education Standards of the National Association of State Boating Law Administrators (NASBLA) and receive the approval of NASBLA.

After a review of these regulations, the Commission proposed to update them by adopting the following changes. The proposed changes to § 91.6 will simplify the definition of a Boating Safety Education Certificate. The Commission believes that this change more accurately reflects the intent of the act and will eliminate confusion among boaters who move their boats between states. The proposed amendments to § 91.7 will authorize the Executive Director to publish criteria upon which boating courses may be approved for the purposes of the act. The Executive Director will publish separate criteria for Internet, video and classroom courses.

The Commission's Boating Advisory Board considered the proposed amendments and recommended that the

Commission adopt them on final-form rulemaking. The Commission adopted the amendments as set forth in the notice of proposed rulemaking.

#### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements. The Commission currently issues Boating Safety Education Certificates, which will not be changed by the amendments. The Commission will publish course criteria in the *Pennsylvania Bulletin* under the amendments.

#### G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. *Public Involvement*

A notice of proposed rulemaking was published at 37 Pa.B. 6415 (December 8, 2007). During the public comment period, the Commission did not receive any public comments regarding the proposal.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### *Order*

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 91, are amended by amending §§ 91.6 and 91.7 to read as set forth in 37 Pa.B. 6415.

(b) The Executive Director will submit this order and 37 Pa.B. 6415 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 37 Pa.B. 6415 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-197 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 08-668. Filed for public inspection April 11, 2008, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [ 22 PA. CODE CH. 52 ]

#### Accrediting Organizations

The State Board of Education (Board) amends Chapter 52 (relating to accrediting organizations—statement of policy) to read as set forth in Annex A. The statement of policy, adopted in 2004, contains the policies and procedures the Board uses in exercising its powers and duties under section 5 of the Private Academic Schools Act (act) (24 P. S. § 6705). The purpose of amending Chapter 52 is to update and clarify the policies and procedures the Board uses in exercising those.

#### *Statutory Authority*

The act governs the licensure and operation of private academic schools. Under the act, a private academic school may not operate in this Commonwealth unless the school has obtained a license from the State Board of Private Academic Schools (State Board). See sections 4 and 6 of the act (24 P. S. §§ 6704 and 6706) and Chapter 51 (relating to general provisions) for more information. However, section 5 of the act lists several exceptions to the licensure requirement. One of the exceptions is a school that is accredited by an approved accrediting organization. Under section 5 of the act, when an accrediting association approved by the Board has accredited a private academic school, the school does not require a license issued by the State Board.

#### *History*

Before the implementation of Chapter 52, the Board entertained applications by accrediting associations for approval on an ad hoc basis. In addition, the Board had granted approvals without limitation of time. The absence of a time limitation created ambiguities as approved accrediting organizations evolved over time. Consequently, the Board's historical policy of ad hoc, indefinite approvals of accrediting associations resulted in approved accrediting associations engaging in accrediting private schools and programs for which the accrediting body had never sought approval from the Board in its initial application.

Additionally, the Division of Nonpublic and Private School Services (Division) for the Department of Education (Department) had an unwritten policy requiring private academic schools to become licensed for a year or two before applying for accreditation. The implementation of Chapter 52 listed and clarified this practice by directing an approved accrediting organization to not begin the accrediting process until the school under consideration had been legally operating in this Commonwealth for 2 full years.

After the adoption of Chapter 52, the Department determined that there is nothing in the act to support the

policy requiring licensure for 2 years before the accreditation process can be initiated. Neither the State Board nor the Board ever published this policy in the *Pennsylvania Bulletin* or in any memo or booklet that is maintained in the office of the Division. The Department concluded that no authority allows the Division or the Board to require a new private academic school to seek licensure prior to becoming accredited.

#### *Regulatory Approach*

The Department's Office of Chief Counsel brought this concern to the attention of the Board. As a result, the Board amended the statement of policy to remove the language under § 52.2(c) directing an approved accrediting organization to not begin the accrediting process until the school under consideration has been legally operating in this Commonwealth for 2 full years.

With experience gained under the statement of policy and its working agreement with the Department, the Board will consider in the future whether a regulation would be appropriate. Moreover, because its approach to this system of application and approval is fluid, the Board welcomes comments from interested persons and organizations.

#### *Summary of Policy Change*

The change removes the language under § 52.2(c) (relating to process) directing an approved accrediting organization to not begin the accrediting process until the school under consideration has been legally operating in this Commonwealth for 2 full years.

#### *Cost and Paperwork Estimates*

Since the changes clarify the current policy statement, it does not impose any new costs or savings for the Department, the regulated community, or local government.

#### *Effective Date*

This change to the statement of policy shall be in effect immediately for persons and entities that have actual knowledge of its contents, and it shall be in effect generally upon publication in the *Pennsylvania Bulletin*.

#### *Contact Information*

The official responsible for information regarding this statement of policy is James E. Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

JIM BUCKHEIT,  
*Executive Director*

(*Editor's Note:* Title 22 of the *Pennsylvania Code* is amended by amending a statement of policy in § 52.2 to read as set forth in Annex A.)

**Fiscal Note:** 006-313. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 22. EDUCATION****PART I. STATE BOARD OF EDUCATION****CHAPTER 52. ACCREDITING  
ORGANIZATIONS—STATEMENT OF POLICY****§ 52.2. Process.**

(a) The Department will administer the process governing application by an accrediting organization seeking approval under section 5 of the Private Academic Schools Act (24 P. S. § 6705) and establish administrative policies regarding recognition of school accreditation by accrediting organizations in accordance with an agreement between the State Board of Education (State Board) and the Department.

(b) The Department will make a recommendation to the State Board regarding all applications that have been fully processed, but the final decision to approve or disapprove an application of an accrediting organization under section 5 of the Private Academic Schools Act rests solely with the State Board.

[Pa.B. Doc. No. 08-669. Filed for public inspection April 11, 2008, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending April 1, 2008.

### BANKING INSTITUTIONS

#### Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-31-2008	Susquehanna Bancshares, Inc., Lititz, to acquire 100% of Stratton Holding Company, Plymouth Meeting, and thereby indirectly acquire Stratton Management Company, Plymouth Meeting, and Semper Trust Company, Plymouth Meeting	Lititz	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-26-2008	PeoplesBank, A Codorus Valley Company York York County	65 Eisenhower Drive Hanover York County	Filed
3-27-2008	Affinity Bank of Pennsylvania Wyomissing Berks County	South Temple Boulevard and 5th Street Highway Muhlenberg Berks County	Approved
3-27-2008	Northwest Savings Bank Warren Warren County	125 Emeryville Drive Suite 100 Cranberry Township Butler County	Approved
3-27-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	One Market Street Camden Camden County, NJ	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-27-2008	Peoples State Bank of Wyalusing Wyalusing Bradford County	75 Front Street New Albany Bradford	Approved

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-1-2008	Riverset Credit Union, Pittsburgh, and Duke Federal Credit Union, Pittsburgh Surviving Institution: Riverset Credit Union, Pittsburgh	Pittsburgh	Effective
4-1-2008	Schuylkill County School Employees Credit Union, Pottsville, and PFP Federal Credit Union, Marlin Surviving Institution: Schuylkill County School Employees Credit Union, Pottsville	Pottsville	Effective

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-27-2008	TruMark Financial Credit Union Trevose Bucks County	5th and Berks Streets Philadelphia Philadelphia County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
4-1-2008	Riverset Credit Union Pittsburgh Allegheny County	Amendment to the 8th Article of the Articles of Incorporation provides for service to the underserved/ low-income area served by Duke Federal Credit Union (Duke), subsequent to merger between Riverset Credit Union and Duke.	Effective

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-670. Filed for public inspection April 11, 2008, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will hold a meeting on Wednesday, April 23, 2008, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 08-671. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Revisions to Schedule of Prices for State Parks

#### *A. Summary and Background*

Under section 314 of the Conservation and Natural Resources Act (71 P.S. § 1340.314) and 17 Pa. Code § 11.224 (relating to prices), the Department of Conservation and Natural Resources (Department) adds a Senior Citizen/ADA weekly camping discount to its price schedule for State Park activities, uses and privileges. This discount was omitted from the schedule of prices, published at 37 Pa.B. 6133 (November 17, 2007), that became effective January 1, 2008.

The discount is posted on the DCNR—State Parks web site, [www.dcnr.state.pa.us/stateparks/findinfo/prices.aspx](http://www.dcnr.state.pa.us/stateparks/findinfo/prices.aspx). Persons who are planning a visit to a State Park may also go online to the State Parks reservation page, [www.pa.reserveworld.com](http://www.pa.reserveworld.com), or call Pennsylvania State Parks Reservations and Information at (888) PA-PARKS to get specific price information.

#### *B. Contact Person*

Any questions may be directed to David Sariano, Assistant Director, Bureau of State Parks, Department of Conservation and Natural Resources, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640 or [dsariano@state.pa.us](mailto:dsariano@state.pa.us). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users).

#### *C. Effective Date*

The Senior Citizen/ADA weekly camping discount is effective on the date of publication of this notice in the *Pennsylvania Bulletin*.

*D. Fee Schedule*

<i>Price Title</i>	<i>Unit</i>	<i>2008 Resident</i>	<i>2009 Resident</i>	<i>2008 Nonresident</i>	<i>2009 Nonresident</i>
CAMPING—DISCOUNTS					
Senior Citizen/ADA	Weekly	\$24.00	\$27.00	\$24.00	\$27.00
Discount					

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 08-672. Filed for public inspection April 11, 2008, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.



**I. NPDES Renewal Applications**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029157	Keystone College One College Green La Plume, PA 18440	Wyoming County Factoryville Borough	South Branch Tunkhannock Creek 4F	Y
PA0024015 (Minor Sewage)	Cressona Borough Authority 58 South Sillyman Street Cressona, PA 17929	Cressona Borough Schuylkill County	West Branch Schuylkill River 03A	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051900 (Sew)	Robeson Township Municipal Authority 2689 Main Street Birdsboro, PA 19508	Berks County Robeson Township	3-C Schuylkill River	Y
PA0081817 (Sew)	Juniata County School District East Juniata High School R. R. 2 Box 2411 McAlisterville, PA 17049	Juniata County Fayette Township	12-B Cocolamus Creek	Y
PA0087912 Amendment No. 1 (IW)	Arnold Fuel Oil Company P. O. Box 2621 900 Eisenhower Boulevard Harrisburg, PA 17105	Cumberland County Silver Spring Township	7-B Trindle Spring Run	Y

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**PA0058637**, IW, SIC 5999, **Moyer's Chicks, Inc.**, 266 East Paletown Road, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 15,000 gpd of noncontact cooling water into a UNT to Morgan Creek.

The receiving stream, a UNT to Morgan Creek, is in the State Water Plan Watershed 2D and is classified for CWF. The nearest downstream public water supply intake for PA Water Company is located on Delaware River and is 29.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 15,000 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110° F
pH	Within limits of 6.0 to 9.0 Standard Units at all times		

In addition to the effluent limits, the permit contains the following major special conditions:

1. Discharge to Special Protection Waters.

**PA0030848**, Sewage, **Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348. This existing facility is located in Pennsbury Township, **Chester County**.

Description of Proposed Activity: This NPDES application is for renewal of the NPDES permit to discharge treated sewage from the Chadds Ford Elementary School sewage treatment plant.

The receiving stream, Ring Run, is in the State Water Plan Watershed 3H Brandywine Creek, and is classified for WWF, aquatic life, water supply and recreation. There are no public water supply intakes located downstream in Pennsylvania. Brandywine Creek crosses the State Line into Delaware approximately 4.5 miles downstream from the point of discharge. The City of Wilmington, DE has water supply intakes approximately 7 miles downstream of the State Line on Brandywine Creek.

The proposed effluent limits for Outfall 001, based on an annual average flow of 6,300 gpd are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
CBOD <sub>5</sub>			25		50
Total Suspended Solids			30		60
Total Residual Chlorine			0.5		1.2
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			3.0 (minimum)		
pH (Standard Units)			6.0 (minimum)		9.0

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. Total Residual Chlorine Requirement.
9. Sludge Disposal Requirement.
10. 2/Month Sampling.
11. Instantaneous Max Requirements.
12. Fecal Coliform I-max Reporting.
13. Laboratory Certification.

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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA0036463**, Industrial, **OMNOVA Solutions, Inc.**, 95 Hickory Drive, Auburn, PA 17922-0429. This facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage, boiler blowdown, noncontact cooling water and stormwater.

The receiving streams, wet weather channel tributary to the Schuylkill River and UNT to the Schuylkill River, are in the State Water Plan Watershed 03A and are classified for CWF. The nearest downstream public water supply intake for Pottstown Water Authority is located on the Schuylkill River approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.006 mgd are as follows:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
pH			6.0 to 9.0 Standard Units at all times	
Dissolved Oxygen			Minimum of 2.0 at all times	
Oil and Grease			15	30

The proposed effluent limits for Internal Monitoring Point 101 (treated sewage) based on a design flow of 0.0018 mgd are as follows:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD <sub>5</sub>			25	50
TSS			30	60
Fecal Coliform			200/100 ml Geometric Average	
(5-1 to 9-30)			2,000/100 ml Geometric Average	
(10-1 to 4-30)			6.0 to 9.0 Standard Units at all times	
pH			1.2	2.8
TRC				

The proposed effluent limits for Outfall 002 (uncontaminated stormwater) are as follows:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD <sub>5</sub>				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

In addition to the effluent limits, the permit contains the following major special conditions:

1. Requirements applicable to stormwater outfalls along with identified best management practices.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA 0080756**, Sewage, **Hershey Farm, Inc.**, P. O. Box 157, Strasburg, PA 17579. This facility is located in Strasburg Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Pequea Creek, is in Watershed 7-K, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Holtwood Power Plant is located on the Susquehanna River, approximately 31 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.16 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Oil and Grease	15		30
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Total Phosphorus		852 lbs per year annual	
TKN		7,306 lbs per year annual	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

In addition to the effluent limits, the permit contains the following major special condition:

- ° Schedule for compliance with Chesapeake Bay Tributary Strategy.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA 0080837**, Sewage, **John D. Walter**, P. O. Box 175, Newville, PA 17241. This facility is located in Lower Mifflin Township, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 35.95 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.030 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		40
Total Suspended Solids	30		60
Total Phosphorus	2.0		4.0
Total Residual Chlorine	1.0		2.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0027197**, Sewage, **The Harrisburg Authority**, One Keystone Plaza, Front and Market Streets, Harrisburg, PA 17101. This facility is located in Harrisburg City, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 0.73 mile downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 37.7 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (Interim) (5-1 to 10-31)	17		34
(11-1 to 4-30)	Monitor and Report		
NH <sub>3</sub> -N (Final) (5-1 to 10-31)	13		26
(11-1 to 4-30)	Monitor and Report		
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

*Chesapeake Bay Requirements*

	<i>Concentration (mg/l)</i>	<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Annual</i>
Ammonia-N	Report	Report**
Kjeldahl-N	Report	XXX
Nitrate-Nitrite as N	Report	XXX
Total Nitrogen	Report	Report
Total Phosphorus	Report	Report
Net Total Nitrogen	XXX	688,575*
Net Total Phosphorus	XXX	91,810*

\* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental DMRs submitted to the Department.

\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report—Annual Nutrient Summary by November 28, 2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

Persons may make an appointment to review the Department's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA 0261050**, Sewage, **Quail Creek Homeowners Association**, 2856 Pinch Road, Manheim, PA 17545. This facility is located in Rapho Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, UNT to Chickies Creek, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0076 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		0
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.28		0.92
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

*Chesapeake Bay Requirements*

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	0*
Net Total Phosphorus	XXX	Report	-3.5*

\* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental DMRs submitted to the Department.

Persons may make an appointment to review the Department's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA 0247111**, CAFO, **Star Rock Farms**, 37 Chestnutt Grove Road, Conestoga, PA 17516.

Star Rock Dairy, Inc. has submitted an NPDES permit renewal application for Star Rock Farms, an existing beef and dairy operation located in Manor Township, **Lancaster County**. The overall operation consists of a heifer operation, a steer operation and a dairy operation. The heifer operation is situated near Witmer Run (Watershed 07-J), which is classified as a WWF. The steer operation is situated near Fisherman Run (Watershed 07-J), which is classified as a WWF. The dairy operation is situated near Fry's Run (Watershed 07-J), which is classified as a WWF. The CAFO has a target animal population of approximately 3,089 animal equivalent units consisting of 350 small steers, 60 medium steers, 550 large steers, 1,100 milk cows, 190 dry cows, 30 large heifers and 616 small heifers. There are five liquid manure storage facilities utilized by the operation. Liquid dairy and steer manure is stored in high-density, polyethylene-lined impoundments. Liquid heifer manure is stored in a concrete manure storage structure. The dairy operation also uses a concrete holding tank. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA0095176**, Industrial Waste, SIC 3511, **Elliott Turbomachinery Company, Inc.**, North Fourth Street, Jeannette, PA 15644-0800. This application is for the renewal of an NPDES permit to discharge treated process wastewater, cooling water and stormwater from the Jeannette Machine Plant in Jeannette, **Westmoreland County**.

The following effluent limitations are proposed for discharge to receiving waters, UNT of Brush Creek, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA American Water Company, located at 401 Cooke Lane, Pittsburgh, PA 15234, 29.6 miles below the discharge point.

*Outfall 003: existing discharge, design flow of 0.1752 mgd. Interim limits.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (° F)				110	
Suspended solids			31	60	78
Oil and grease			15		30
Cadmium			0.0056	0.0112	0.014
Chromium			1.71	2.77	4.28
Copper			0.033	0.066	0.083
Lead			0.019	0.038	0.048
Nickel			0.099	0.198	0.248
Silver			0.0073	0.0146	0.0183
Zinc			0.262	0.524	0.655
Iron				Monitor and Report	
Cyanide			0.65	1.2	1.63
TTO				2.13	
pH			not less than 6.0 nor greater than 9.0		

*Outfall 003: existing discharge, design flow of 0.1752 mgd. Final limits.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (° F)				110	
Suspended solids			31	60	78
Oil and grease			15		30
Cadmium			0.00045	0.0009	0.0011
Chromium			1.71	2.77	4.28
Copper			0.017	0.034	0.0425
Lead			0.0073	0.0146	0.0183
Nickel			0.092	0.184	0.23
Silver			0.0073	0.0146	0.0183
Zinc			0.136	0.272	0.34
Iron			1.57	3.14	3.93
Cyanide			0.65	1.2	1.63
TTO				2.13	
pH			not less than 6.0 nor greater than 9.0		

*Outfall 008: existing discharge, design flow of 0.012 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended solids			30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
pH			not less than 6.0 nor greater than 9.0		

*Outfalls 001, 002, 004 and 027: existing stormwater discharges.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron					Monitor and Report

*Outfalls 019, 020, 022, 033 and 041: existing stormwater discharges.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Zinc					Monitor and Report

*Outfalls 007, 009, 011—014, 030, 031, 039 and 040: existing stormwater discharges.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron					Monitor and Report
Zinc					Monitor and Report
Nitrate + Nitrite – N					Monitor and Report

*Outfall 021: existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD					Monitor and Report
COD					Monitor and Report
Nitrate + Nitrite – N					Monitor and Report

*Outfall 015: existing discharge, design flow of 0.016 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)					
Temperature (° F)				110	
Oil and grease			15		30
Fecal coliforms				Monitor and Report	
Zinc				Monitor and Report	
pH				not less than 6.0 nor greater than 9.0	

*Outfall 018: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)					
Temperature (° F)				110	
Oil and grease			15		30
Fecal coliforms				Monitor and Report	
Zinc				Monitor and Report	
pH				not less than 6.0 nor greater than 9.0	

Other Conditions:

The EPA waiver is in effect.

**PA0030287**, Sewage, **Allegheny Country Club**, Country Club Road, Sewickley, PA 15143. This application is for renewal of an NPDES permit to discharge treated sewage from Allegheny Country Club STP in Sewickley Heights Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Sewickley Creek, which are classified as a HQ-TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

*Outfall 001:* existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.0
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0092533**, Sewage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Iselin STP in Young Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Harpers Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	8.0			16.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

### **III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 0608401**, Sewerage, **Richmond Township**, P. O. Box 474, Fleetwood, PA 19522. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Application for construction/operation of the Virginville collection and sewage treatment system.

**WQM Permit No. 2208404**, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for a force main and sanitary sewer replacement project.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 9134S-A1**, Sewerage, **West Leechburg Borough**, 1015 Plazak Street, West Leechburg, PA 15656. This existing facility is located in West Leechburg Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Application for permit amendment for separation of combined sewers.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 3796401**, **New Castle City Sanitary Authority Lawrence County**, 110 East Washington Street, New Castle, PA 16101. This proposed facility is located in the City of New Castle, **Lawrence County**.



Description of Proposed Action/Activity: Installation of a rotary drum thickener that will take in waste activated sludge and output to the digesters.

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#### IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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#### V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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#### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI010908005	1550 SHR Associates, LP 1630 South Crescent Boulevard Yardley, PA 19067	Bucks	Milford Township	Unami Creek HQ-TSF
PAI011508020	Chesterbrook II Landowners, LP One Pitcairn Place 165 Township Line Road Suite 1500 Jenkintown, PA 19046-3579	Chester	Tredyffrin Township	Valley Creek EV
PAI011508021	West Gate Lane Developers 1002 Plymouth Road Plymouth Meeting, PA 19462	Chester	East Coventry Township	Pigeon Creek HQ
PAI011508022	Cathie Whitlock 2737 Coventryville Road Pottstown, PA 19465	Chester	South Coventry Township	Pigeon Creek HQ-TSF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025208002	Department of Transportation 400 North Street 5th Floor Harrisburg, PA 17120-0041	Pike	Blooming Grove Township	Shohola Creek HQ-CWF

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024508004	Penn Regional Business Center, LLC Seven Bridges Road Route 209 East Stroudsburg, PA 18301	Monroe	Smithfield Township	Marshalls Creek HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032108006	Parkview at Boiling Springs, LP 2020 Good Hope Road Suite 200 Enola, PA 17025	Cumberland	South Middleton Township	Yellow Breeches Creek HQ-CWF
PAI034408001	Granville Township 100 Helen Street Lewistown, PA 17044	Mifflin	Granville Township	UNT to Juniata River HQ-CWF

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

### **PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### **SAFE DRINKING WATER**

#### **Applications Received under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

#### **Application No. 2308501, Public Water Supply.**

Applicant	<b>Chester Water Authority</b> P. O. Box 467 Chester, PA 19016-0467
Township	Concord
County	<b>Delaware</b>
Responsible Official	Brian McEwen Chester Water Authority P. O. Box 467 Chester, PA 19016-0467
Type of Facility	PWS

Consulting Engineer	Mr. Farney Chester Water Authority P. O. Box 467 Chester, PA 19016-0467
Application Received Date	March 25, 2008
Description of Action	Construction of a booster pump consisting of two 600 gpm pumps to be known as the Temple Road Pump Station.

#### **Application No. 0908504, Public Water Supply.**

Applicant	<b>Newtown Artesian Water Company</b> 201 North Lincoln Avenue P. O. Box 217 Newtown, PA 18940
Township	Newtown
County	<b>Bucks</b>
Responsible Official	George A. Forsyth, Jr. General Manager Newtown Artesian Water Company 201 North Lincoln Avenue P. O. Box 217 Newtown, PA 18940

Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. 650 Park Avenue King of Prussia, PA 19406

Application Received Date	March 19, 2008
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Description of Action	For the development of Well No. 7.
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#### **Application No. 2308502, Public Water Supply.**

Applicant	<b>Chester Water Authority</b> 415 Welsh Street P. O. Box 467 Chester, PA 19016-0467
Township	Little Britain
County	<b>Lancaster</b>
Responsible Official	Brian MacEwen Chester Water Authority 415 Welsh Street P. O. Box 467 Chester, PA 19016-0467

Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112

Application Received Date	March 19, 2008
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Description of Action	Upgrade filters and backwash recovery system at the Octoraro Water Treatment Plant.
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*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2807503, Public Water Supply.**

Applicant	<b>Arden Diller</b>
Municipality	Antrim Township
County	<b>Franklin</b>
Responsible Official	Arden Diller, Owner 2081 Hykes Road Greencastle, PA 17225
Type of Facility	Public Water Supply
Consulting Engineer	Joseph M. McDowell, P. E. Martin & Martin, Inc. 37 South Main Street Chambersburg, PA 17201
Application Received:	September 19, 2007
Description of Action	New Well No. 1 and chlorination.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0408501, Public Water Supply.**

Applicant	<b>S-2 Properties, Inc.</b> P. O. Box 24509 Pittsburgh, PA 15234
Township or Borough	Hanover Township
Responsible Official	Dan Hall, Partner S-2 Properties, Inc. P. O. Box 24509 Pittsburgh, PA 15234
Type of Facility	Harshbarger's Mobile Home Park
Consulting Engineer	George Wagner, Jr. P. O. Box 419 Sturgeon, PA 15082
Application Received Date	February 20, 2008
Description of Action	Construction of slow sand filtration at the existing spring No. 1 source.

### WATER ALLOCATIONS

**Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WA48-1006A, Water Allocation, Utilities, Inc. Westgate**, 503 Hallet Road, East Stroudsburg, PA 18301, Hanover Township, Northampton County. The applicant is requesting a change in its water allocation permit purchase from 200,000 gpd to 250,000 gpd, based on a 30-day average of water from the City of Bethlehem/Bethlehem Authority.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA4-1010, Water Allocations. Creswell Heights Joint Authority**, 101 South Jordan Street, Box 301, South Heights, PA 15081, **Beaver County**. The applicant is requesting the right withdraw 3,608,640 gallons of water per day, average day, from river wells Nos. 4—7.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator

at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Joseph Lopez Residence**, Tamaqua Borough, **Schuylkill County**. Richard Trimpi, P. G., Trimpi Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18073 has submitted a Notice of Intent to Remediate (on behalf of his client, Joseph Lopez, 312 West Broad Street, Tamaqua, PA 18252), concerning the remediation of soils found or suspected to have been impacted by No. 2 home heating oil as the result of a release from two flood water damaged ASTs. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. Future use of the site will remain residential and commercial. A Final Report was simultaneously submitted.

**Former Banko Beverage Property**, Bethlehem City, **Northampton County**. Donald Rood, J. Rockwood & Associates, Inc., 718 North Quincy Street, Allentown, PA 18109 has submitted a Notice of Intent to Remediate (on behalf of his client, Anthony G. Stellar, P. O. Box 52, Route 309 and Lowhill Road, Schnecksville, PA 18078), concerning the remediation of soils found or suspected to have been impacted by leaded/unleaded gasoline and diesel fuel as the result of the removal of two underground storage tanks. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the site has not been identified at this time.

**Johnson Property**, Smithfield Township, **Monroe County**. Daryl Valley, Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Lancaster, PA 17602, has submitted a Notice of Intent to Remediate on March 14, 2008 (on behalf of his client, A. J. Johnson, DJ Service Center, P. O. Box 623, Greentown, PA 18426), concerning the remediation of soils and groundwater found or suspected to have been impacted by contaminants associated with the operation and maintenance of an automobile service and repair garage. The applicant proposes to remediate the site to meet the Statewide Health Standard for soils and groundwater. The proposed future use of the property will be commercial.

**Synthetic Thread Facility**, City of Bethlehem, **Lehigh County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate (on behalf of his client, Alan France, 903 Chestnut Street, Emmaus, PA 18049), concerning the remediation of soils found or suspected to have been impacted by petroleum related compounds as the result of releases from three underground storage tanks containing No. 2 heating oil. The applicant proposes to meet the residential Statewide Health Standard for soils. A summary of the Notice of Intent to Remediate was published in *The Express-Times* on January 31, 2008. A Final Report was simultaneously submitted.

*Southcentral Region: Environmental Cleanup Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Village at Laurel Run**, Franklin Township, **Adams County**. Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465, on behalf of Village at Laurel Run, 6375 Chambersburg Road, Fayetteville, PA 17222, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil.

The site will be remediated to the Statewide Health Standard and will continue as a long-term care and assisted living facility.

**Former York International Corporation, Grantley Plant**, Spring Garden Township, **York County**. GZA GeoEnvironmental, Inc., 20900 Swenson Drive, Suite 150, Waukesha, WI 53188, on behalf of Johnson Controls, Inc., 507 East Michigan Street, Milwaukee, WI 53202, and Patriot Richland Associates, LP, 1200 Liberty Ridge Drive, Suite 115, Wayne, PA 19087, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, PAHs, PCBs and metals resulting from past industrial activities. The future use of the site will be a combination of commercial and industrial activity. The site will be remediated to the Statewide Health and Site-Specific Standards.

**Tyco Electronics/Former AMP Elizabethtown Facility**, Elizabethtown Borough, **Lancaster County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of PLF Properties, LLC, 1593 South Mount Joy Street, Suite A, Elizabethtown, PA 17022; CEM Properties, LLC, 1595 South Mount Joy Street, Elizabethtown, PA 17022; and Tyco Electronics Corporation, P. O. Box 3608, MS 140-42, Harrisburg, PA 17105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents. Planned future use of the site will be for industrial and nonresidential activities. The applicants seek to remediate the site to a combination of Statewide Health and Site-Specific Standards.

**Former Hershey Garage**, Derry Township, **Dauphin County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Hershey Entertainment & Resorts, 27 West Chocolate Avenue, Hershey, PA 17033, submitted a Notice of Intent to Remediate site soils and groundwater contaminated by leaded gasoline. Site structures have been demolished and redevelopment of the site is being considered. The applicant will remediate the site to a Site-Specific Standard.

**Schmoyer Trust Property**, Boyertown Borough, **Berks County**. Spotts, Stevens, & McCoy, Inc., 1047 North Park Road, Reading, PA 19610-0307, on behalf of Thrivent Financial Bank, 2000 East Milestone Drive, Appleton, WI 54919-0006, submitted a Notice of Intent to Remediate site soils and groundwater contaminated by No. 2 fuel oil from a leaking underground storage tank. The site will be remediated to the Statewide Health Standard and be used for residential and commercial purposes.

*Northcentral Region: Environmental Cleanup Program Manager; 208 West Third Street, Williamsport, PA 17701.*

**Clearfield Former MGP Site**, Clearfield Borough, **Clearfield County**. The Mahfood Group LLC, 260 Millers Run Road, Bridgeville, PA 15017 on behalf of PPL Electric Utilities, Corp., 2 North 9th Street, GENTW17, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with polycyclic aromatic hydrocarbons and benzene, toluene, ethylbenzene and xylenes. The applicant proposes to remediate the site to meet the Site-Specific Standard. The site will continue to be used to support natural gas operations. A summary of the Notice of Intent to Remediate was reported to have been published in the Clearfield Progress on March 25, 2008.

**Lowe's Home Centers, Inc.**, Monroe Township, **Snyder County**, UNT Consulting & Engineering, LLC, on behalf of Lowe's Home Centers, Inc., 1605 Curtis Bridge Road, Wilkesboro, NC 28697 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with leaded gasoline and diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site is a parking lot for Lowe's. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Item* on December 28, 2007.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**North American Wire, LLC**, Summit Township, **Butler County**. CORE Environmental Services, Inc., 4068 Mount Royal Boulevard, Allison Park, PA 15101 on behalf of North American Wire, LLC, 629 East Butler Road, Butler, PA 16002 has submitted a Notice of Intent to Remediate. Groundwater contamination shows elevated levels of 1,1,1-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, methyl ethyl ketone, chloroethane and associated break-down products as vinyl chloride, cis-1,2-dichloroethene, and trans-1,2-dichloroethene and soil contamination contains elevated concentrations of 1,1,1-trichloroethane. The Notice of Intent to Remediate was published in *The Butler Eagle* on February 18, 2008.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application received for Determination of Applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**General Permit Application No. WMGR082SW001. Jigging Technologies, LLC** (d/b/a Atoll), 1008 Club Drive, Johnstown, PA 15905. Riders Slag Processing Plant, 950 Riders Road, Johnstown, PA 15906. An application of Determination of Applicability for a general permit for processing and beneficial use of steel slag, iron slag and refractory bricks that were co-disposed with slag as a construction material, was received in the Regional Office on March 21, 2008.

Comments concerning the application should be directed to David Eberle, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Department of Environmental Protection (Department) Southwest Regional Office at (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to and approval or denial of the application.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 300995. Sonneborn Inc.**, 100 Sonneborn Lane, Petrolia, PA 16050, Fairview Township, **Butler County**. The application is a permit renewal for a captive residual waste landfill. The application was found to be administratively complete by Northwest Regional Office on January 24, 2008. Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Application deemed administratively complete under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit Application No. 301306. Sunbury Generation, LP**, P. O. Box 517, Old Susquehanna Trail, Shamokin Dam, PA 17876, located in Monroe Township, **Snyder County**. The application for a major permit modification for the Residual Waste Impoundment was deemed administratively complete by the Williamsport Regional Office on March 28, 2008.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service at (800) 654-5984.

#### AIR QUALITY

##### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all

the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**48-307-063: Effort Foundry, Inc.** (P. O. Box 158, Bath, PA 18014) for modification to their existing sand handling/reclamation system at their facility in East Allen Township, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05007H: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) for installation of a new fabric collector to control PM emissions from an existing steel grinding operation in the City of Reading, **Berks County**.

**06-05037G: McConway & Torley, LLC** (109 Forty-Eighth Street, Pittsburgh, PA 15021-2755) for installation of ladle metallurgy furnace operations and vacuum degassing operations in its steel making facility at 230 Railroad Street in Kutztown Borough, **Berks County**.

**06-050690: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19537-0147) for construction of a third surface coating line controlled by either low VOC/HAP coatings or a carbon adsorption unit at the Assembly Plant in Richmond Township, **Berks County**. The coating line will be subject to 40 CFR Part 63, Subpart M, National Emission Standards for HAPs from Miscellaneous Metal Coating.

**67-03149A: Boxwood Manufacturing Corp.** (2206 Pennsylvania Avenue, York, PA 17404) for construction of surface coating operations including two coating booths, automated plating operations and abrasive blasting equipment at the facility located in the City of York, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**17-00023A: Mill Creek Mining Company, owner, and Energy Resources, Inc., operator,** (P. O. Box 259, Brockway, PA 15824) for the reactivation of a wet coal preparation plant (Bigler Coal Preparation Plant) in Bradford Township, **Clearfield County**.

**17-00060A: Penfield Collieries, LLC** (301 Market Street, Kittanning, PA 16201) for the modification of a coal preparation facility in Huston Township, **Clearfield County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**10-021R: INDSPEC Chemical Corp.** (133 Main Street, Petrolia, PA 16050-0307) for installation of a venturi scrubber with a cyclonic mist eliminator to further control Sources 163 and 191 in Petrolia Borough, **Butler County**. This is a Title V facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**48-313-100A: Ecopax, LLC** (3600 Glover Road, Easton, PA 18040) for construction and operation of an additional polystyrene foam extrusion line at their facility in Forks Township, **Northampton County**. The operation of the new line, including the sources covered by the issued Plan Approval No. 48-313-100, will result in a facility-wide total VOC emission rate not to exceed 49.9 tpy. The plan approval will contain operating restrictions, testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**48-317-021: Stroehmann Bakeries, LC** (2400 Northampton Street, Easton, PA 18042) for installation of a catalytic oxidizer to control VOC emissions from an existing bakery oven at their facility in Palmer Township, **Northampton County**. The facility is a non-Title V facility. The operation of the catalytic oxidizer will result

in 6.1 tpy of VOC emissions from the existing bakery oven. The plan approval will contain operating restrictions, testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**54-310-045: Reading Materials, Inc.** (P. O. Box 1467, Shippack, PA 19474) for construction of a nonmetallic mineral processing plant in New Castle Township, **Schuylkill County**. PM emissions from the operation will be reduced through the use of a water spray dust suppression system. This facility is a non-Title V facility. The facility will be subject to NSPS Subpart OOO. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**21-05035A: Hempt Brothers, Inc.** (P. O. Box 278, Camp Hill, PA 17001) for construction of recycled asphalt pavement processing equipment at the Locust Point Asphalt Plant in Silver Spring Township, **Cumberland County**. The resultant increase in annual PM<sub>10</sub> emissions will be less than 1 ton. The plan approval and amended State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-05123C: Corixa Corporation—d/b/a Glaxo-SmithKline Biologicals** (325 North Bridge Street, Marietta, PA 17547-0304) for installation of an emergency generator at their biological manufacturing facility in East Donegal Township, **Lancaster County**. Due to the limited use of the emergency generator, the emissions will be minimal and retained within the current facility State-only operating permit No. 36-05123 limits. The plan approval will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The source will be subject to 40 CFR Part 60, Subpart III—New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**55-00002B: Department of Public Welfare** (1401 North 7th Street, Harrisburg, PA 17105-2675) for installation of three flue gas recirculation systems that include three independent multiclone collectors (IDs C031, C032 and C033) to control PM emissions from three existing coal-fired boilers (Source IDs 031, 032 and 033) at the Selinsgrove Center facility located in Penn Township, **Snyder County**. The respective facility is a major facility for which a Title V operating permit 55-00002 has been issued.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the three independent flue gas recirculation systems will control PM emissions from the three existing coal-fired boilers to meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including PM Emissions requirements specified in 25 Pa. Code § 123.11. Based on these findings, the Department intends to issue a plan approval for the installation of the

three flue gas recirculation systems that include three independent multiclone collectors. Additionally, if the Department determines that the flue gas recirculation systems are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 55-00002 by means of an administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Under 25 Pa. Code § 123.11(a), no person may permit emission into the outdoor atmosphere of PM from the exhaust of IDs C031, C032 and C033 associated with Source IDs 031, 032 and 033 in excess of the following:

(1) the rate of 0.4 pound per million Btu of heat input, when the heat input to the combustion units in millions of Btu/hr is greater than 2.5 but less than 50,

(2) the rate determined by the following formula:  $A = 3.6E^{(-0.56)}$  where:

A = Allowable emissions in pounds per million Btus of heat input, and

E = Heat input to the combustion unit in millions of Btus per hour, when E is equal to or greater than 50 but less than 60.

2. IDs C031, C032 and C033 shall be equipped with instrumentation to monitor the pressure drop across the multi-clone collectors on a continuous basis.

IDs C031, C032 and C033 shall be equipped with instrumentation to continuously monitor the inlet and outlet flue gas temperature across the multiclone collectors.

IDs C031, C032 and C033 shall be equipped with instrumentation to continuously monitor and record the temperature and percentage of flue gas exhausted from the hopper outlet of the multiclone collectors.

3. The permittee shall perform PM stack tests upon IDs C031, C032 and C033 associated with Source IDs 031, 032 and 033 within 180 days from commencement of operation of IDs C031, C032 and C033 to demonstrate compliance with the applicable PM emission limitation specified in 25 Pa. Code § 123.11. The permittee shall perform an opacity test upon the exhaust of IDs C031, C032 and C033 by utilizing the Method 9 reference test method to verify compliance with the opacity limitation specified in 25 Pa. Code § 123.41.

The testing is to be done using EPA reference method test procedures acceptable to the Department. The testing is to be performed while Source IDs 031, 032 and 033 are operating at maximum routine rate.

The pressure drop, inlet and outlet flue gas temperature across the multiclone collectors associated with IDs C031, C032 and C033 shall be recorded on a continuous basis during the tests. The pressure drop and inlet and outlet flue gas temperature ranges will be established based upon the recorded data and stack test report.

The flue gas temperature exhausted from hopper outlet of the multiclone collectors associated with IDs C031, C032 and C033 shall be recorded on a continuous basis during the tests. The hopper evacuation flue gas temperature range will be established based upon the recorded data and stack test report.

The percentage of flue gas exhausted from the hopper outlet of the multiclone collectors associated with IDs C031, C032 and C033 shall be recorded on a continuous basis during the tests. The percentage of flue gas recirculation range will be established based upon the recorded data, stack test report and the parameter listed in part (d) of this condition.

4. The permittee shall keep, at minimum, records of the following for Source IDs 031, 032 and 033: the stack test reports,

the hourly averages for differential pressure, inlet flue gas temperature and outlet flue gas temperature of the multiclone collectors associated with IDs C031, C032 and C033 using the data acquisition system,

the hourly averages for temperature and percentage of flue gas exhausted from the multiclone collectors associated with IDs C031, C032 and C033 using the data acquisition system.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

5. The permittee shall not operate Source IDs 031, 032 and 033 without simultaneous operation of IDs C031, C032 and C033.

A copy of the plan approval application and the Department's review are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**10-281M: II—VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) for construction of an additional Hydrogen Selenide production process in their existing DH building in Saxonburg, **Butler County**. This is a State-only V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- The source use subject to the following:
- Subject to 25 Pa. Code § 123.13 for PM Emissions.
- The air pollution control devices (C120A) used shall be designed to reduce process outlet concentrations to atmospheric emissions of 25 ppb or less of hydrogen selenide. The emergency vent scrubber (C103C) shall be designed to reduce process outlet concentrations to atmospheric emissions of 500 ppb or less of hydrogen selenide. The source shall be operated under the conditions stated

in the application. All deviations of operations shall be documented and records kept by the facility for at least 2 years and forwarded to the Department of Environmental Protection (Department) upon request.

- The facility shall monitor the pH for the scrubber solution and the pressure drop across each of the scrubbers on a weekly basis (at a minimum). This condition refers to the H2SE No. 3 A and B Scrubber and Carbon Bed System (C120A).

- The facility shall monitor the pH for the scrubber solution and the pressure drop across the scrubber, daily, whenever it is in operation. This condition refers to the emergency vent scrubber (C103C).

- The company shall monitor and record on a quarterly basis, the concentration of Hydrogen Selenide in the stack exhaust gases while the sources are operating at maximum rated capacity as stated in the application. A Hydrogen Selenide length of stain detector tube (Type S direct reading type or equivalent) shall be utilized to monitor the emission concentrations. The minimum sensing limit for this method is 0.500 ppm (500 ppb). The actual detector tubes shall be kept by the facility for at least 2 years and made available to representatives of the Department upon request. Results in excess of the minimum sensing limit shall be reported to the Department on a quarterly basis. The report shall include the date of the excess emissions and the reason for the excess emissions.

- The company shall maintain a log of all preventative maintenance inspections of the sources and control devices. The inspection logs, at a minimum, shall contain the dates of the inspections, any potential problems or defects that were encountered, and the steps taken to correct them.

- The company shall maintain a log of the following, at a minimum, from the operational inspections:

- Pressure drop across the scrubbers
- pH of the scrubber solution
- The permittee shall perform a weekly operational inspection of the control devices (C120A).
- The permittee shall perform a daily operational inspection of the control device (C103C) when it is being used for emergency venting purposes.

- The control device (C103C) shall be automatically activated upon detection of hydrogen selenide gas leak inside the hoods enclosing the existing DH process trains (Hoods Nos. 1—3), the proposed DH process trains (Hoods No. 4), the existing Cold Vault Storage room (Hood No. 6), and the existing Gas Transfer Process (Hood No. 5).

- A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the scrubbers.

- The permittee shall operate the control devices at all times that the source is in operation.

- The company shall maintain and operate the sources and control devices in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**24-083N: Carbone of America Ind. Corp.** (215 Stackpole Street, St. Marys, PA 15857) for installation of a regenerative thermal oxidizer (C1101A) and SO<sub>2</sub> scrubber (C1101B) to replace existing oxidizers (C129 and C129A) for the control of sources 129, 129A and 404 in St.



Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.
- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
- No person may permit the emission into the outdoor atmosphere of VOC in a manner that the emission rate exceeds 3.6 lbs/hr.
- No person may permit the emission into the outdoor atmosphere of SO<sub>2</sub> in a manner that the emission rate exceeds 6.9 lbs/hr.
- A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:
  - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any hour.
  - Equal to or greater than 30% at any time.
- The permittee shall stack test for PM, VOC and SO<sub>2</sub> at the outlet of the SO<sub>2</sub> scrubber (C1101B) initially and within 12 to 18 months of Operating Permit renewal.
- The facility shall monitor the following for the RTO:
  - Combustion Chamber temperature.
- The facility shall monitor the following for the SO<sub>2</sub> Scrubber:
  - Scrubber gas flow rate.
  - Liquid pressure and liquid flow rate.
  - Scrubbing liquid pH.
  - Pressure drop across scrubber.
  - Outlet gas temperature.
- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problems or defects, and any routine maintenance performed.
- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems or manual log entries):
  - RTO combustion chamber temperature—continuously.
  - Scrubber gas flow rate—daily.
  - Scrubber liquid pressure or scrubber liquid flow rate—daily.
  - Scrubber liquid pH—continuously.

- Scrubber pressure drop—daily.
- Scrubber outlet gas temperature—daily.
- The permittee shall report all excursions and corrective actions taken, the dates, times, durations and probable causes, every 6 months.
- The permittee shall perform a daily operational inspection of the control device.
- All gauges employed by the permittee to monitor the required RTO and SO<sub>2</sub> Scrubber operating parameters shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within  $\pm 2\%$  of full scale reading. All monitored gauges shall be mounted in accessible areas, and shall be maintained in good operating conditions at all times.
- The permittee shall operate the control devices at all times that the source is in operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- The permittee shall adhere to the approved indicator range for the RTO and SO<sub>2</sub> Scrubber so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
  - Minimum RTO combustion chamber temperature of 1,500° F.
  - Minimum Scrubber gas flow rate.
  - Minimum Scrubber liquid pressure or minimum scrubber liquid flow rate.
  - Scrubber liquid pH range.
  - Scrubber pressure drop range.
  - Minimum Scrubber outlet gas temperature.
- The permittee shall perform monthly external inspections of the control system and annual internal inspections of the RTO and SO<sub>2</sub> Scrubber. An excursion is defined as a failure to perform and record the monthly external or annual internal inspections.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**24-00120: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for re-issuance of a Title V Operating Permit to operate a natural gas compressor station in Benezette Township, **Elk County**. The primary emission sources include two natural gas fueled boilers, a combustion turbine, an natural gas fueled auxiliary generator, five microturbines, two natural gas fueled engines and miscellaneous storage tanks.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**21-05009: PPL Martins Creek, LLC** (Two North Ninth Street, Allentown, PA 18101-1179) for operation of a combustion turbine site in Lower Allen Township, **Cumberland County**. The facility's major source of emissions is attributed to the operation of two combustion turbines firing No. 2 fuel oil, which primarily emit NOx. This is a renewal of the Title V operating permit issued in 2003.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00132: Lansdale Crematory, Inc.** (701 Derstine Avenue, Lansdale, PA 19446-0646) for operation of three units of human crematoriums in Lansdale Borough, **Montgomery County**. This is a renewal of their State-only operating permit issued in 2003. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**01-05018: McClarin Plastics, Inc.** (P. O. Box 486, Hanover, PA 17331) for operation of their reinforced plastic composites (fiberglass) product manufacturing facility in Conewago Township, **Adams County**. This is a renewal of the State-only operating permit issued in 2003.

**06-05106: SFS Intec, Inc.** (P. O. Box 6326, Wyomissing, PA 19540) for operation of the metal screw coating facility in Exeter Township, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the emissions to less than 100 tons each of PM, SOx, CO and NOx, 50 tons of VOC and 10/25 tons of HAPs, during any consecutive 12-month period. The coatings will have limits on their VOC content and usage. The E-coating line will additionally be controlled by a wet scrubber. The spray line will be controlled by a dry filter system. Records of the VOC emissions and coating usage will be required. Coating sampling will be required. The permit will include monitoring, work practices, recordkeeping and report requirements designed to keep the facility operating within all applicable air quality requirements.

**36-05007: McNeil-PPC, Inc.** (400 West Lincoln Avenue, Lititz, PA, 17543) for operation of a pharmaceutical manufacturing facility in Lititz Borough, **Lancaster County**. This is a renewal of the State-only operating permit issued in April 2003.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**41-00049: David R. Webb Co., Inc.** (240 North Reach Road, Williamsport, PA 17701) for their veneer mill facility in the City of Williamsport, **Lycoming County**. The facility's main sources include two wood fired boilers, one natural gas fired boiler, one space heater, one parts

washer and various veneer mill operations. The facility has the potential to emit PM10, NOx, CO, VOCs, HAPs and SOx below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**30-00166: Greene Team Pellet Fuel Co.** (P. O. Box 74, Garards Fort, PA 15334) for wood pellet manufacturing at their Garards Fort Facility in Greene Township, **Greene County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, New Source Review Chief, (814) 332-6940.*

**10-00337: Cellco Partnership—d/b/a Verizon Wireless** (700 Cranberry Woods Drive, Cranberry Township, PA 16066) for issuance of a Natural Minor Operating Permit to operate a Verizon Wireless Call Center in Cranberry Township, **Butler County**. The facility's primary emission source is a diesel fueled emergency generator.

**24-00124: PIHT, LLC** (118 Access Road, St. Marys, PA 15857-3370) for re-issuance of a Natural Minor Permit to operate a metal heat-treating facility in **Elk County**. Emissions sources associated with this facility include 11 draw furnaces, eight heat treating furnaces and 14 control devices smog hog electrostatic precipitators. This facility is natural minor because the emission of pollutants from all sources is less than Title V emission threshold.

**24-00162: Rebco, Inc.** (650 Brandy Camp Road, Kersey, PA 15846-1904) for issuance of a Natural Minor Operating Permit to operate a facility that manufactures powdered metal components and performs specialty machining in Fox Township, **Elk County**. The facility's primary emission sources include a dip tank, dip operations and parts washers.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have

requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56663098, NPDES Permit No. PA0607932 and General Permit GP12-56663098. PBS Coals, Inc.,** P. O. Box 260, Friedens, PA 15541. Revision to an existing bituminous surface mine operation to add a refuse reprocessing facility in Shade Township, **Somerset County** affecting 412.3 acres. Receiving streams: Dark Shade and Little Dark Shade Creeks classified for the following use: CWF. There are no potable surface water intakes within 10 miles downstream. The refuse reprocessing facility on this site is authorized to operate under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms and conditions of authorization GP12-56663098. Application received March 13, 2008.

**32020104 and NPDES No. PA0249033. Thomas J. Smith, Inc.,** 2340 Smith Road, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in South Mahoning Township, **Indiana County**, affecting 78.5 acres. Receiving streams: UNTs to Ross Run and Ross Run; UNTs to Little Mahoning Creek classified for the

following uses: HQ; HQ. There are no potable water supply intakes within 10 miles downstream. Application received March 26, 2008.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**26-06-04 and NPDES Permit No. PA0251356. TEDCO, Inc.** (117 West Peach Street, Connellsville, PA 15425). Application for commencement, operation and reclamation of a government financed construction contract, located in Lower Tyrone Township, **Fayette County**, affecting 24.8 acres. Receiving stream: UNTs to Hickman Run, classified for the following use: WWF. Potable water supplies with intakes within 10 miles downstream from the point of discharge: North Fayette County Municipal Authority and Municipal Authority of Westmoreland County, Yough Plant. Application received March 21, 2008.

**03990102 and NPDES Permit No. PA0202444. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Application received to change the postmining land use from forestland to pasture/land occasionally cut for hay at an existing bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 58 acres. Receiving streams: Fagley Run to Crooked Creek to the Allegheny River, classified for the following use: WWF. There is no downstream potable water supply intake within 10 miles downstream from the point of discharge. Application received March 21, 2008.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**16080102 and NPDES Permit No. PA0258563.** Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Redbank Township, **Clarion County** affecting 73.5 acres. Receiving streams: Two UNTs to Town Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Redbank Valley Municipal Authority. Application received March 21, 2008.

**24970104 and NPDES Permit No. PA0227552. TDK Coal Sales, Incorporated** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip operation, auger, clay and shale removal operation in Jay Township, **Elk County** affecting 294.5 acres. Receiving streams: Wolf Lick Run to Spring Run; UNTs of Spring Run and Spring Run; all to Trout Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 25, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E45-518. Stroud Township**, 1211 North Fifth Street, Stroudsburg, PA 18360, in Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 1-foot high diversion berm in a tributary to Brodhead Creek HQ-CWF, MF and a stormwater outfall structure consisting of two 36-inch diameter pipes in the floodway of Brodhead Creek. The project is located west of the intersection of SR 0447 and Brushy Mountain Road (East Stroudsburg, PA Quadrangle N: 5.0 inches; W: 6.9 inches).

**E48-397. Brian Vadino**, 3701 Orchid Place, Emmaus, PA 18049, in **Lower Saucon/Upper Saucon Counties, Northampton/Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a channel change to 900 feet of Saucon Creek and 100 feet of a UNT to Saucon Creek (CWF) to include riparian buffers and flood plain restoration. The project is located along Saucon Creek on the northeast side of Green Acres Drive (Hellertown, PA Quadrangle N: 10.59 inches; W: 15.3 inches).

**E40-686. Butler Township**, Attention: Steve Hahn, 415 West Butler Drive, Drums, PA 18222, in Dennison Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a nonjurisdictional dam and excavation of 0.24 PEM wetlands and 350 feet of a tributary to Oley Creek for reservoir storage capacity for settling of sediment impacting Oley Creek and Beach Mountain Lake. The project is located 0.4 mile east and 0.3 mile north of the intersection of Four Seasons and Shingle Mill Drives (Freeland, PA Quadrangle N: 9.2 inches; W: 5.0 inches).

**E40-685. Equalibrium Equities, Inc.**, Attention: Adam P. Meinstein, 15 South Franklin Street, Suite 210, Wilkes-Barre, PA 18701, in Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in 0.7 acre of PESS wetlands and 0.5 acre of open water for the purpose of developing lots 103 and 104 of the Humboldt Industrial Park. The project is located 0.9 mile south and 0.3 mile west of the intersection of SR 0924 and SR 0081 (Conyngham, PA Quadrangle N: 10.3 inches; W: 4.1 inches).

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E05-345: Yellow Creek Coalition, Gerald F. Sherlock**, 132 McElwee Drive, Hopewell, PA 16650-7900, Hopewell Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a 20.0-foot wide single span bridge of 54.0 feet with an underclearance of 7.0 feet across the Maple Run (TSF) and associated improvements in order to provide access to a proposed parking lot of the Yellow Creek Coalition located along Jacks Corner Road (T-555) 1.13 miles north of Cottles Corner Village (Hopewell, PA Quadrangle N: 5.17 inches; W: 12.20 inches, Latitude: 40° 09' 12.4"; Longitude: 78° 20' 12.7") in Hopewell Township, Bedford County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-507. G. Stephen Snyder**, 185 Stauffer Road, Bellefonte, PA 16823. Water Obstruction and Encroachment Joint Permit Application in Boggs Township, **Centre County**, ACOE Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 40° 58' 46"; W: 77° 50' 58").

To construct and maintain a 70-foot long by 12-foot wide stabilized agricultural crossing on a skew of 90° in Wallace Run (Exceptional Value Fishery). The project is located along Gum Stump Road approximately 0.2 mile north of intersection with SR 0144 in Boggs Township, Centre County. This project does not propose to impact any jurisdictional wetlands.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E04-322. Dominion Transmission, Inc.**, 445 Main Street, Clarksburg, WV 26307. To construct concrete matting in the channel of several tributaries in North Sewickley Township, **Beaver County**, Pittsburgh ACOE District (Beaver Falls, PA Quadrangle N: 11.0 inches; W: 2.5 inches, Latitude: 40° 48' 29"; Longitude: 80° 16' 45"). The applicant proposes to construct and maintain concrete matting in the channel of several UNTs to Brush Run (WWF) for the purpose of protecting the exposed pipe lines LN 25 and LN 35 located along Collins and Harpers Ferry Roads. Collins Road Crossing 1 (LN 35) is located approximately 4,000.0 feet southeast from the intersection of Collins Road and SR 65. Collins Road Crossing 2 (LN 25) is located approximately 2,000.0 feet southeast from the intersection of Collins Road and SR 65. Harpers Ferry Road Crossing LN 25 and LN 35) is located approximately 6,000.0 feet west from the intersection of Harpers Ferry Road and SR 65 in Beaver County and will impact approximately 124.0 linear feet of stream channel. The applicant also proposes to construct and maintain a temporary road crossing consisting of a Bailey or Timber Mat Bridge across a UNT to Brush Run to provide access to the exposed pipelines.

**E26-349. James L. Delansky**, 2 Main Street, Point Marion, PA 15474. To construct a boat dock in Point Marion Borough, and Spring Hill Township, **Fayette County**, Pittsburgh ACOE District (Morgantown North, West Virginia, PA Quadrangle N: 20.95 inches; W: 3.9 inches, Latitude: 39° 44' 25"; Longitude: 79° 54' 10"). The applicant proposes to construct and maintain a commercial boat dock facility 700 feet along the river and 46 feet riverward including 10 inch pipe pilings on 106 feet centers in the right bank of the Monongahela River (WWF) in two phases located at Mile Post 89.9.

**E63-604. Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. To construct three sanitary sewer stream crossings in Peters Township, **Washington County**, Pittsburgh ACOE District (Bridgeville, PA Quadrangle N: 6.2 inches; W: 13.7

inches; Crossing A: Latitude: 40° 16' 57.2"; Longitude: 80° 5' 44.4"; Crossing B: Latitude: 40° 16' 54.7"; Longitude: 80° 5' 38.9"; Crossing C: Latitude: 40° 16' 52.6"; Longitude: 80° 5' 35.9"). The applicant proposes to construct and maintain three sanitary sewer stream crossings at the channel bed and one foot above the channel bed, across Brush Creek (WWF) for the purpose of replacement of 1,500 LF of sanitary sewer interceptor pipe located in Washington County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E25-718. Laughlin Stream Enclosure Project. Jerry and Elizabeth Laughlin**, 9058 Paula Way, McKean, PA 16426, in McKean Borough, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 41° 59' 42"; W: 80° 8' 49").

The applicant proposes to construct and maintain a 160-foot long, 4.5-foot diameter HDPE plastic stream enclosure in a UNT Lamson Run on the property at 9058 Paula Way to protect an existing home adjacent to the stream. Lamson Run is a perennial stream classified as a MF and CWF. This project proposes to impact approximately 170 feet of stream.

## ENVIRONMENTAL ASSESSMENTS

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**EA10 08 601—Request for Waiver under Section 105.12(a) (16), Stream Restoration Incorporated** (PA Nonprofit Organization) 3016 Unionville Road, Cranberry Township, PA 16066. Black's Creek: BC16 Remediation Project, Marion Township, **Butler County**, ACOE Pittsburgh District (Barkeyville, PA Quadrangle N: 41° 9' 1"; W: 79° 55' 8").

The applicant proposes to construct and maintain a passive treatment system to collect and treat the discharge from an abandoned oil well. The passive treatment system will consist of a 1-acre aerobic wetland and a 5,000 sq. ft. horizontal flow limestone bed. The project is expected to improve 3 1/2 miles of Black's Creek and a UNT to Black's Creek. Proposed impacts to the aquatic resources necessary for the project include a 0.08-acre impact to an existing PEM wetland. Black's Creek and the UNT to Black's Creek are perennial streams classified as CWF.

**EA43 08 602—Request for Waiver under Section 105.12(a) (16), Stream Restoration Incorporated** (PA Nonprofit Organization) 3016 Unionville Road, Cranberry Township, PA 16066 Fox Run Restoration Area—Phase II, Jackson and Lake Townships, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA and Sandy Lake Quadrangles N: 41° 18' 6"; W: 80° 7' 20").

The applicant proposes to construct and maintain a passive treatment system to collect and treat abandoned mine drainage from three perennial discharges. The passive treatment system will consist of a collection system that will convey the discharge beneath Fox Run to a 0.75-acre aerobic wetland. The project is expected to improve 2 1/2 miles of Fox Run. Proposed impacts to the aquatic resources necessary for the project include a 0.09-acre impact to an existing PEM and 0.10-acre impact to a second PEM wetland. Fox Run is a perennial streams classified as a CWF.

## ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY  
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### **I. NPDES Renewal Permit Actions**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061468 (Minor Sewage)	Liberty Mobile Home Park R. R. 5 Box 54 Montrose, PA 18801-9318	Liberty Township Susquehanna Township	UNT to Snake Creek 4E	Y
PAS902202	Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106	Lehigh County Upper Macungie Township	Little Lehigh Creek 2C	Y
PA0030996 (Minor Sewage)	Bangor Area School District 123 Five Points Richmond Road Bangor, PA 18013	Upper Mt. Bethel Township Northampton County	UNT to Jacoby Creek 1F	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085332 (Sew)	Delta Borough 208 Bunkerhill Avenue Delta, PA 17314	York County Delta Borough	Scott Creek 7-I	Y
PA0246565 (IW)	Kinsley Concrete 629 Loucks Mill Road York, PA 17403	York County Spring Garden Township	UNT Codorus Creek 7-H	Y
PA0080608 (Sew)	Fellowship of Bible Churches, Inc. Camp Tohiglo 10670 Fort Loudon Road Mercersburg, PA 17236	Franklin County Montgomery Township	Licking Creek 12-B	Y
PA0083674 (Sew)	Rainworth, Inc. 1979 Biglerville Road Gettysburg, PA 17325	Adams County Straban Township	UNT to White Run 13-D	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0220965	Jeffrey P. Leri 21160 Phelps Road Meadville, PA 16335	West Mead Township Crawford County	UNT to Tamarack Lake 16-D	Y
PA0006238	NAPCO, Inc. 125 McFann Road Valencia, PA 16059-1917	Middlesex Township Butler County	Glade Run 20-C	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 4808401**, Sewerage, **River Road Utilities, Inc.**, 3300 River Road, Mt. Bethel, PA 18343. This proposed facility is located in Upper Mt. Bethel Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for an upgraded sewage treatment plant—0.066 mgd.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

### Public Notice of Permit Issuance

#### Permit for National Pollutant Discharge Elimination System (NPDES) to Discharge to State Waters

Final Notice is hereby given that the Department of Environmental Protection (Department), after public notice, has on March 31, 2008, issued a National Pollutant Discharge Elimination System Permit to:

#### Permit No. PA 0026077

Borough of Carlisle  
53 West South Street  
Carlisle, PA 17013

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		70
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.3		9.2
(11-1 to 4-30)	9.9		27

Persons may make an appointment to review the Department files on this case by calling the file review coordinator at (717) 705-4732.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA00027481-A1**, Industrial Waste, **FirstEnergy Generation Corporation**, P. O. Box 128, Shippingport, PA 15077. This existing facility is located in Shippingport Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the discharge of cooling tower blowdown.

**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 6705408**, Sewage, **Delta Borough**, 208 Bunkerhill Avenue, Delta, PA 17314. This proposed facility is located in Delta Township, Borough, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of an expansion of the existing wastewater treatment plant from 0.24 mgd to 0.48 mgd.

**WQM Permit No. WQG02060801**, Sewage, **Ruscombmanor Township**, 204 Oak Lane, Fleetwood, PA 19522. This proposed facility is located in Ruscombmanor Township, **Berks County**.

Description of Proposed Action/Activity: Submitted application for the construction/operation of the Pricetown Road Sanitary Sewer Extension project.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. WQG028314**, **Evans City Borough**, 204-B South Jackson Street, Evans City, PA 16033. This proposed facility is located in Evans City Borough, **Butler County**.

Description of Proposed Action/Activity: Construction consists of the extension of gravity sanitary sewers on sections of Mahan Road, North Maple Avenue, Washington Street and White Oak Drive. A pressure sewer extension is planned for parts of Van Buren and Center Streets. The extensions will extend sewer service to a total of 32 existing residential homes. The sanitary sewage will be treated at the Evans City Borough Sewage Treatment Plant.

**WQM Permit No. WQG018609**, Sewerage, **Shirley A. Hammett and Kathleen S. Moreira**, 10000 US Route 6N, Albion, PA 16401. This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018606**, Sewerage, **Kenneth A. and Vickie L. Yovich**, 5426 Gorman Road, Union City, PA 16438-8523. This proposed facility is located in Mill Village Borough, **Erie County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

**WQM Permit No. 16004107**, Sewerage, Amendment No. 1, **Emlenton Area Municipal Authority**, P. O. Box 448, Emlenton, PA 16373. This proposed facility is located in Salem Township, **Clarion County**.

Description of Proposed Action/Activity: This project is to rehabilitate two elevated sand mounds into open access sand mounds located at the Lamartine Wastewater Treatment Facility.

**WQM Permit No. 4304414**, Sewerage, **Amendment No. 1, Reynolds Disposal Company**, 301 Arlington Drive, Greenville, PA 16125. This proposed facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: This project approves the modification/operation of sewerage wastewater facilities consisting of: The addition of a sludge holding tank with a capacity of 56,520 cubic feet.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506013	BK Campbell, Inc. 402 Bayard Road Kennett Square, PA 19348	Chester	Elk Township	Tributary Big Elk Creek HQ
PAI011508005	Morphotek, Inc. 210 Welsh Pool Road Exton, PA 19341	Chester	Uwchlan Township	Pine Creek HQ
PAI011508008	Immaculata University 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Ridley Creek HQ

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023507007	Jefferson Township Sewage Authority 487 Cortez Road Lake Ariel, PA 18436	Lackawanna	Jefferson Township	West Branch Wallenpaupack Creek HQ-CWF



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023506006	Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Lackawanna	Borough of Jessup	Grassy Island Creek HQ-CWF
<i>Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033607001	E. Nelson Martin 416 Linden Street Terre Hill, PA 17581	Lancaster	Terre Hill Borough East Earl Township	UNT to Black Creek HQ-CWF
PAI035008001	Michael P. and Linda M. Olmstead 332 Diomair Path Ellittsburg, PA 17024	Perry	Tuscarora, Saville and Juniata Townships	UNT to Buffalo Creek HQ-CWF
<i>Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<i>Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001, (724) 378-1701.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050408001	E.C. Lincoln Holdings, LLC 120 Brian Drive Beaver, PA 15009	Beaver	Darlington Township	Dilworth Run Watershed HQ-CWF
<i>Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055607002 (Phase 2)	The Buncher Company 5600 Forward Avenue Pittsburgh, PA 15217	Somerset	Jefferson Township	Laurel Hill Creek HQ-CWF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Falls Township Bucks County	PAG2000907141	International Salt Company 850 Northern Boulevard Clarks Summit, PA 18411-0540	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAR10G514R	Robert K. Weaver Creek, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Middle Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township Chester County	PAG2001507061	Coatesville Area School District 345 East Lincoln Highway Coatesville, PA 19320-5404	Rock Run TSF, MF Sucker Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAR10G393R	Orleans Homebuilders, Inc. 3333 Street Road Suite 101 Bensalem, PA 19020	Bucktoe Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002308004	Garnet Valley School District 80 Station Mill Road Glen Mills, PA 19342	UNT Green and Chester Creeks CWF, TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004607175	Upper Gwynedd-Towamencin MA 2225 Kriebel Road Lansdale, PA 19446	Towamencin Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG20046051431	Hills at Perkiomen, LP 345 Main Street Harleysville, PA 19438	Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004608020	The Christmas Tree Shops 650 Liberty Avenue Union, NJ 07083	Tributary Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004607102	Limerick Partners I, LP 120 West Germantown Pike Suite 12 Plymouth Meeting, PA 19462	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Douglass Township Montgomery County	PAG2004607180	Hollenbach Construction P. O. Box 507 166 Holly Road Boyertown, PA 19512	UNT Swamp Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004608013	Swede Square Associates, LP 44 South Bayles Avenue Fort Washington, NY 11050	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004607177	West Mont United Soccer P. O. Box 26143 250 Betcher Road Collegeville, PA 19426	UNT Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Norriton Township Montgomery County	PAG20046040481	40 Scully Company 801 Old York Road Noble Plaza Jenkintown, PA 19046	UNT Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Montgomery County	PAG2004608013	Springfield Township School District 1801 Paper Mill Road Edenheim, PA 19038	Oreland Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004608014	Reformed Baptist Church 644 Allentown Road Telford, PA 18969	Indian Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004607108	Blue Bell Associates 650 Sentry Parkway Suite 1 Blue Bell, PA 19422	Tributary Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004607074	DeMeno Properties, LTD 2136 Squirrel Hill Road Skipack, PA 19474	Tributary Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG2004607186	Dekalb Pinnacle 1597 DeKalb Street Suite 300 Blue Bell, PA 19422	UNT Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107048	Mansion at Bala, LP 1919 Post Oak Park Drive No. 3101 Houston, TX 77027	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hanover Township Luzerne County	PAG2004007037	John K. Kahiu Kahiu Shelter Investments, LLC 102 Hibernation Hollow Drums, PA 18222	Warrior Creek CWF	Luzerne County Conservation District (570) 674-7991
Salem Township Luzerne County	PAG2004007038	Steven Fraind Salem Township 38 Bomboy Lane Berwick, PA 18603	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Kingston Township Luzerne County	PAG2004007043	Center Company 185 Ferguson Avenue Shavertown, PA 18708	Toby Creek CWF	Luzerne County Conservation District (570) 674-7991
Upper Mt. Bethel Township Northampton County	PAG2004807007	Custom Laminating Corp. P. O. Box 37 Bartley-Chester Road Flanders, NJ 07836	Tributaries to Delaware River CWF	Northampton County Conservation District (610) 746-1971
Lower Saucon Township Northampton County	PAG2004807031	Pierpont Slater Properties Attn: Andrew Warner P. O. Box 160 Center Valley, PA 18034	Black River CWF	Northampton County Conservation District (610) 746-1971
West Penn Township Schuylkill County	PAG2005408007	Doris Lusch 579 Cold Spring Road Andreas, PA 18211	Lizard Creek CWF	Schuylkill County Conservation District (570) 622-3742
Mayfield Borough Lackawanna County	PAG2003508006	Mayfield Borough 739 Penn Avenue Mayfield, PA 18433	Hosie Creek CWF	Lackawanna County Conservation District (570) 281-9495

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wayne Township Schuylkill County	PAG2005408005	CPE Development, LLC 120 West Drehersville Road Orwigsburg, PA 17961	Upper Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Washington Township Schuylkill County	PAG2005407016	James L. Miller Edgewood Farms, LP 950 East Main Street P. O. Box 472 Schuylkill Haven, PA 17972	Tributary to Lower Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Upper Allen Township Cumberland County	PAG2002103013R	Upper Allen Partners, LP Glaize Orchards 4075 Market Street Camp Hill, PA 17011	UNT Yellow Breeches Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
South Hanover Township Dauphin County	PAG2002203003R	Dan Jorich Jorich Land Development 1620 Mountain Road Dauphin, PA 17018	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002208004	Julie Trogner and Greg Denk 3 Lemoyne Drive Lemoyne, PA 17043	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002207008	Martin L. Schoffstall Children's Trust 1818 Signal Hill Mechanicsburg, PA 17050	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002208011	Pamela Winters Susquehanna Township Authority 1900 Linglestown Road Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
East Donegal Township Lancaster County	PAG20036061121	Corixa Corporation 325 North Bridge South Marietta, PA 17547	Susquehanna River-Evans Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003607084	Franklin Greiner, Jr. 1650 Steel Way Drive Mount Joy, PA 17552	UNT to Little Chickies Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG2003608005	Creative Construction Solutions 100 Willow Valley Lakes Drive Willow Street, PA 17584	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Borough Lancaster County	PAG2003608010	The Janus School 205 Lefever Road Mount Joy, PA 17552	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Clay Township Lancaster County	PAG2003608013	Carl Z. Musser 420 West Girlscout Road Stevens, PA 17578	Indian Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003608014	D & E Property Management, LLC Box 97 3220 East Gordonville Road Gordonville, PA 17529	Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Caernarvon Township Berks County	PAG2000606044	Robert D. Smiley GenTerra Corporation 65 Dowlin Forge Road Exton, PA 19341-1548	East Branch Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Cumru Township Berks County	PAG2000607085	David C. Paul D.C.P. Investment Properties, LLC 1060 Morgantown Road Reading, PA 19607	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000608002	David Hope American Crane & Equipment Corporation 531 Old Swede Road Douglassville, PA 19518	Leaf Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Upper Allen Township Cumberland County	PAG2002108006	Winding Hill, LLP Winding Hill Corporate Center 401 East Winding Hill Road Mechanicsburg, PA 17055	Cedar Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle PA 17013 (717) 240-7812
Centre County College Township	PAG2001408005	Tom Mertz KIA Auto Dealership L.C. Trio 8 Fairway Drive Selinsgrove, PA 17670	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Northumberland County Turbotville Borough	PAG2004908001	Wellington Estates Intersection of Pine and Main Streets Sunbury, PA 17801	UNT to Warrior Run	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Beaver County Brighton Township	PAG2000403007R	Ronald W. Wolf Maronda Homes 202 Park West Drive Pittsburgh, PA 15108	Fourmile Run WWF	Beaver County CD (724) 378-1701

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Indiana County White Township	PAG2003207003	GVH & Associates 1008 Executive Drive Suite 102 Hixson, TN 37343	UNT to McCarthy Run and UNT to Two Lick Creek CWF	Indiana County Conservation District (724) 463-8547
Indiana County Brush Valley, Center and Buffington Townships	PAG2003208005	Highbridge Water Authority 17 Maple Avenue Blairsville, PA 15717	Brush Creek CWF Black Lick Creek and UNT TSF	Indiana County Conservation District (724) 463-8547
Somerset County Stonycreek Township	PAG2005608001	Mountain Ridge Trails Resort, LLC P. O. Box 2 Somerset, PA 15501	Boone Run CWF Clear Run CWF Rhoades Creek WWF Little Dark Shade Creek CWF	Somerset County Conservation District (814) 445-4652

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington Township Clarion County	PAR228304	Allegheny Wood Products, Inc. P. O. Box 30 Marble, PA 16334	UNT to East Sandy Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Warren Warren County	PAR808366	Buffalo & Pittsburgh Railroad, Inc. 1110 Fourth Avenue Warren, PA 16365	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAR808302	Falcon Transport County 4944 Belmont Avenue Youngstown, OH 44505	Bobby Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Greene County	PAR216176	Hoy's Construction Company, Inc. P. O. Box 957 Waynesburg, PA 15370	Laurel Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County Loyalsock Township	PAG045249	Loyalsock Township Board of Supervisors 2501 East Third Street Williamsport, PA 17701-4096	UNT to Grafius Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Elk Creek Township Erie County	PAG049417	Shirley A. Hammett and Kathleen S. Moreira 10000 US Route 6N Albion, PA 16401	Temple Creek 15-CC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Mill Village Borough Erie County	PAG049413	Kenneth A. and Vickie L. Yovich 5426 Gorman Road Union City, PA 16438-8523	UNT to French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG049408	Evan Hasko 133 Belmont Drive Meadville, PA 16335	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Knox Township Clarion County	PAG049410	Pattie Schmader 1997 Corvette Drive P. O. Box 24 Lucinda, PA 16235	UNT to Step Creek 17-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Mercer County	PAG049423	New Horizons Recycling, Inc. Route 18 Box 19A Adamsville, PA 16110	UNT to Crooked Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>Permit Type—PAG-5</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Springettsbury Township	PAG053545	Hess Corporation (Hess Station No. 38305) One Hess Plaza Woodbridge, NJ 07095-0962	UNT to Mill Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Lewistown Borough	PAG053521	Nittany Oil Company, Inc. (Minit Mart No. 232) 321 North Front Street Pittsburgh, PA 16866	UNT to Kishacoquillas Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Lewistown Borough	PAG053587	Sheetz, Inc. (Sheetz Convenience Store No. 158) 5700 Sixth Avenue Altoona, PA 16602	Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Fairview Township	PAG053576	Hess Corporation (Hess Station No. 38420) One Hess Plaza Woodbridge, NJ 07095-0961	Yellow Breeches Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Carroll Township	PAG053556	Shillito Oil, Inc. (Shillito Oil Bulk Facility) 1014 York Road Dillsburg, PA 17019	UNT to Dogwood Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County West Cornwall Township	PAG053522	Sunoco, Inc. Automotive Lab (Former Cornwall Pump Station) P. O. Box 1135 Marcus Hook, PA 19061	Beck Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Paradise Township	PAG053575	Getty Properties Corporation (Getty Station No. 67596) 125 Jericho Turnpike Jericho, NY 11753	Landonland Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAG053532	Sunoco, Inc. (Former Sunoco 0003-7077) 1735 Market Street Suite LL Philadelphia, PA 19103-7583	UNT Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Adamstown Borough	PAG053546	Getty Properties Corporation (Getty Station No. 69497) 125 Jericho Turnpike Jericho, NJ 11753	Little Muddy Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Mountville Borough	PAG053580	Hyway, Inc. (Hyway No. 57) 534 Kansas Avenue Suite 1200 Topeka, KS 66603	West Branch Little Conestoga Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Bethel Township	PAG053542	Bressler Service, Inc. P. O. Box 97 Bethel, PA 19507	UNT Little Swatara Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Kimmel Township	PAG053579	Wright Milling Company 1581 Beaverdam Road Claysburg, PA 16625	UNT Beaverdam Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fulton County Ayr Township	PAG053560	Getty Service Station (Getty Service Station No. 69690) 125 Jericho Turnpike Jericho, NY 11753	UNT Big Cove Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Bedford Borough	PAG053523	Bedford Farm Bureau Cooperative Association 102 Industrial Avenue Bedford, PA 15522-0333	Raystown Branch Juniata River TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Arendtsville Borough	PAG053551	Getty Service Station (Getty Service Station No. 69682) 2 High Street Arendtsville, PA 17303	Conewago Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Woodbury Township	PAG053565	Blair County Oil & Supply, Inc. (BCO Mart) 426 Bedford Street Hollidaysburg, PA 16648	UNT Plum Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Snake Spring Township	PAG053572	Bedford Valley Petro Corporation (Five Gables Amoco and RG's Convenience Store) 10228 Lincoln Highway Everett, PA 15537	UNT Dunning Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County West Hanover Township	PAG053573	TravelCenters of America (TA Travel Centers) 24601 Center Ridge Road Suite 200 Westlake, OH 44145-5634	UNT Manada Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Tell Township	PAG053527	Laurel Pipeline Company, LP (Richvale) P. O. Box 368 Emmaus, PA 18049-0368	George Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Juniata County Milford Township	PAG053557	Shaner Energy, Inc. (Horning Bulk Oil Company) 10787 Station Road Huntingdon, PA 16652	East Licking Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Exeter Township	PAG053567	Exeter Township School District (Bus Garage) 3650 Perkiomen Avenue Reading, PA 19606	UNT Antietam Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Huntingdon Borough	PAG053591	Sheetz, Inc. (Sheetz Store No. 10) 5700 Sixth Avenue Altoona, PA 16602	UNT Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAG053574	Buckeye Partners, LP (Lancaster Pipeline Junction) 9999 Hamilton Boulevard Five Tek Park Breinigsville, PA 18031	Trindle Spring Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County West Hanover Township	PAG053584	Ray Funck (Funck's Manada Hill Mobil-Valero) 1805 North Route 934 Annville, PA 17003	Manada Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Mount Joy Township	PAG053581	Patrick Flinn (former Flinn's Mobil—Gettysburg Cigarette Cellar) 1660 Fairfield Road Gettysburg, PA 17325	Rock Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAG053550	Robert S. Lewis, Project Manager (former Exxon Tuckerton Terminal No. 2046) 1545 Route 22 East RM CCM15 Annandale, NJ 08801	Laurel Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Conewago Township	PAG053558	Terry L. Lawrence (Terry & Laverne Motors, Inc.) 1726 Carlisle Pike Hanover, PA 17331	UNT South Branch Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
West Hanover Township Dauphin County	PAG083519	West Hanover Township Water and Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112	West Hanover Township WWTP 7901 Jonestown Road Harrisburg, PA 17112	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Waynesboro Borough Authority	PAG083579	Waynesboro Borough Authority 57 East Main Street Waynesboro, PA 17268	Waynesboro Borough Authority WWTP 57 East Main Street Waynesboro, PA 17268	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Shrewsbury Township York County	PAG083578	GlenRock Sewer Authority 11714 North Main Street Ext. P. O. Box 205 Glen Rock, PA 17327-0205	Glen Rock Sewer Authority WWTP 11714 North Main Street Ext. Glen Rock, PA 17327-0205	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Snake Spring Township Bedford County	PAG083516	Snake Spring Township Municipal Authority 624 Penn Knoll Road Everett, PA 15537	Snake Spring Township WWTP 624 Penn Knoll Road Everett, PA 15537	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Salisbury Township Lancaster County	PAG080004	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19153	Jonathan Lapp Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Derry Township Westmoreland County		Synagro 3239 Route 981 New Alexandria, PA 15670	Steele Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Bethel Township Berks County	PAG093514	Peterman Brother's Septic Service 141 Salem Road Bethel, PA 19507	Peterman Brother's Septic Service 141 Salem Road Bethel, PA 19507	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Snyder County Perry Township	PAG094801	Wendt Excavating 724 Brosius Hill Road Mt. Pleasant Mills, PA 17853	Wendt Excavating— Fields 4 and 5N Snyder County Perry Township	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Perry County Southwest Madison Township	PAG123642	Wonder Why Farm 1140 Bernheisel Road Loysville, PA 17047	Bixler Run CWF	DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

##### Permit No. 4607509, Public Water Supply.

Applicant	<b>Manufacturers Golf and Country Club</b> 511 Dreshertown Road Oreland, PA 19075
Township	Upper Dublin
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Ebert Engineering P. O. Box 540 Skipack, PA 19474
Permit to Construct Issued	March 31, 2008

**Operations Permit** issued to **Plumstead Township**, 5119 Stump Road, Pipersville, PA 18949 (PWSID No. 1090136) Plumstead Township, **Bucks County** on March 31, 2008, for the operation of an arsenic removal system, the replaced liquid chlorination approved under construction permit No. 0908505.

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

##### Permit No. 3396420, Operations Permit, Public Water Supply.

Applicant	<b>Nestle Waters North America, Inc.</b> 405 Nestle Way Breinigsville, PA Upper Macungie Township
County	<b>Lehigh</b>
Type of Facility	Bottling Plant (Lines 14 and 15)
Consulting Engineer	Edward Davis, P. E. Forino Company, LP 555 Mountain Home Road Sinking Spring, PA
Permit to Operate Issued	March 6, 2008

##### Permit No. 1307503, Public Water Supply.

Applicant	<b>Big Boulder Corp.</b> Route 940 and Moseywood Road P. O. Box 707 Blakeslee, PA Kidder Township
County	<b>Carbon</b>
Type of Facility	Public Water System
Consulting Engineer	David D. Klepadlo, P. E. Malcolm Pirnie, Inc. 932 Springbrook Avenue Moosic, PA
Permit to Construct Issued	March 12, 2008

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### Permit No. 0606517, Public Water Supply.

Applicant	<b>Wissahickon Spring Water, Inc.</b>
Municipality	Hamburg Borough
County	<b>Berks</b>
Type of Facility	Application to add two well sources located on the same property as the Hamburg bottling plant.
Consulting Engineer	Kenneth M. Justice, P. E. AEON Geosciences, Inc. 2120 Bellemead Avenue Havertown, PA 190823-2250
Permit to Construct Issued	March 28, 2008

##### Permit No. 6707510 MA, Minor Amendment, Public Water Supply.

Applicant	<b>The York Water Company</b>
Municipality	Oxford Mt. Pleasant Union Township
County	<b>York</b>
Type of Facility	West Manheim Main Extension

Consulting Engineer Mark S. Snyder, P. E.  
The York Water Company  
130 East Market Street  
P. O. Box 15089  
York, PA 17405-7089

Permit to Construct March 24, 2008  
Issued

**Permit No. 3608502 MA, Minor Amendment, Public Water Supply.**

Applicant **Columbia Water Company**  
Municipality Columbia Borough  
County **Lancaster**  
Type of Facility  
Consulting Engineer David T. Lewis, P. E.  
Columbia Water Company  
220 Locust Street  
Columbia, PA 17512

Permit to Construct March 31, 2008  
Issued

**Permit No. 3108501 E, Public Water Supply.**

Applicant **Grier School**  
Municipality Warriors Mark Township  
County **Huntingdon**  
Type of Facility Construction of Well No. 2 with  
disinfection.  
Consulting Engineer Daniel J. Carbaugh, P. E.  
Keller Engineers, Inc.  
420 Allegheny Street  
Hollidaysburg, PA 16648

Permit to Construct March 24, 2008  
Issued

**Operations Permit issued to The Carlyle Group, 7010023, Mount Pleasant Township, Adams County on March 17, 2008, for the operation of facilities approved under Construction Permit No. 0107501 MA.**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Operations Permit issued to Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID No. 5020039) Jefferson Township, Washington County on March 20, 2008, for the operation of facilities approved under Construction Permit No. 6306502MA.**

**Permit No. 6507510MA, Minor Amendment. Public Water Supply.**

Applicant **Municipal Authority of Westmoreland County**  
124 Park and Pool Road  
New Stanton, PA 15672  
Borough or Township Allegheny Township  
County **Westmoreland**  
Type of Facility Vandergrift water storage tank  
Consulting Engineer  
Permit to Construct March 20, 2008  
Issued

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Transfer of Special Permit By Rule issued to Culligan Store Solutions, LLC, 1030 Lone Oak Road, Suite 110, Egan, MN 55121-2251. Permit Number 6616480-T1, issued March 25, 2008, for each existing vending machine located within the Northwest Region. This action reflects an entity conversion from Culligan Store Solutions, Inc., to Culligan Store Solutions, LLC.**

**Permit No. 6107502, Public Water Supply.**

Applicant **Clintonville Borough Sewer & Water Authority**  
Township or Borough Clintonville Borough  
County **Venango County**  
Type of Facility Public Water Supply  
Consulting Engineer Dennis J. Duryea, P. E.  
Herbert, Rowland & Grubic, Inc.  
200 West Kensing Drice  
Suite 44  
Cranberry Township, PA 16066

Permit to Construct March 28, 2008  
Issued

**Permit No. 1007505, Public Water Supply.**

Applicant **Concordia Lutheran Ministries**  
Township or Borough Jefferson Township  
County **Butler County**  
Type of Facility Public Water Supply  
Consulting Engineer Kurt H. Todd, P. E.  
The Gateway Engineers, Inc.  
201 South Main Street  
Suite 200  
Butler, PA 16001

Permit to Construct March 28, 2008  
Issued

**Permit No. 6207503, Public Water Supply.**

Applicant **Eastern Management Associates, Inc.**  
Mason Mobile City  
Township or Borough Conewango Township  
County **Warren County**  
Type of Facility Public Water Supply  
Consulting Engineer Catherine Lee, Project Manager  
TranSystems/Stone Consulting & Design  
324 Pennsylvania Avenue West  
Warren, PA 16365

Permit to Construct March 31, 2008  
Issued

#### STORMWATER MANAGEMENT

**Action on plans submitted under the Stormwater Management Act of October 4, 1978 (32 P. S. § 680.9)**

*Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.*

The Update of the Act 167 Stormwater Management Plan for **Pine Creek, Girtys Run, Deer Creek and Squaw Run Designated Watersheds**, submitted to the

Department of Environmental Protection by **Allegheny County** on January 15, 2008, was approved on March 28, 2008.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Felton Borough	88 Main Street Felton, PA 17322	York

*Plan Description:* The approved Special Study provides for the implementation of an onlot sewage disposal system management program. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Warwick Township	315 Clay Road Lititz, PA 17543	Lancaster

*Plan Description:* The approved Official Plan Update Revision provides for the construction of a public sewer system to serve the Millway area within 10 years. The Plan also provides information documenting areas of carbonate bedrock and well samples in excess of 5 ppm nitrate-nitrogen. Preliminary hydrogeologic studies will be required in areas of carbonate geology and within 1/4 mile of a well sample in excess of ppm nitrate-nitrogen. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Saxton Borough	P. O. Box 173 Saxton, PA 16678	Bedford

*Plan Description:* The Plan provides for the upgrade of the Saxton Borough Municipal Authority's wastewater treatment facility to address nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. The capacity of the treatment facility will remain at 0.6 mgd. The Plan also provides for the addition of new conveyance lines to the WWTF, deletion of the Shoup Street Pump Station and construction of a new main pump station that will convey all flow to the WWTF. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hanover Borough	44 Frederick Street Hanover, PA 17331	York

*Plan Description:* The approved Plan provides for the construction of interceptor relief sewers placed vertically on top of the existing sewers to convey peak wet weather flows for the west side, north side and Carlisle Street Trunk and Plum Creek Interceptors. The Plan also proposed improvements at the Borough's regional wastewater treatment plant to provide hydraulic capacity for all peak wet weather flow conditions. The objective of these proposed facilities is to accommodate peak design flows without surcharge, bypass or overflow. Interceptors shall be designed for free-flowing, open channel conditions to serve the needs of Hanover and its tributary municipal systems for at least a 20-year period. Hanover Borough's treatment plant will be expanded and also be able to satisfy the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Joseph Lopez Residence**, Tamaqua Borough, **Schuylkill County**. Richard Trimpi, P. G., Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report (on behalf of his client, Joseph Lopez, 312 West Broad Street, Tamaqua, PA 18252), concerning the remediation of soils found to have been impacted by No. 2 home heating oil as the result of a release from two flood water damaged ASTs. The Final Report was submitted to document attainment of a Residential Statewide Health Standard. Future use of the site will remain residential and commercial. A public notice regarding the submittal of the Final Report was published in the *Pottsville Republican & Herald* on March 13, 2008. A Notice of Intent to Remediate was simultaneously submitted.

**S & L Plastics, Inc.**, Upper Nazareth Township, **Northampton County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 has submitted a Final Report (on behalf of his client, Nazareth Realty, LLC, 2860 Bath Pike, Nazareth, PA 18064), concerning the remediation of site groundwater impacted by historical releases of chlorinated solvents. The Final Report was submitted to document attainment of the Statewide Health Standard. The intended future use of the site will be nonresidential. A public notice regarding the submittal of the Final Report was published in *The Morning Call* on March 1, 2008.

**Synthetic Thread Facility**, City of Bethlehem, **Lehigh County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, Alan France, 903 Chestnut Street, Emmaus, PA 18049), concerning the remediation of site soils found to have been impacted by petroleum related compounds as the result of releases from three underground storage tanks containing No. 2 heating oil. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. A public notice regarding the submittal of the Final Report was published in *The Express-Times* on January 31, 2008. The future use of the property may include residential or commercial uses. A Notice of Intent to Remediate was simultaneously submitted.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Standard Steel, LLC, Machine Shop #1**, Burnham Borough, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum products and PAHs. The

reports are intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

**Standard Steel, LLC, Residual Waste Landfill**, Derry Township, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Remedial Investigation, Risk Assessment and Final Report concerning remediation of site soils and groundwater contaminated with petroleum products, VOCs and Chromium. The reports are intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Lowe's Home Centers, Inc.**, Monroe Township, **Snyder County**. UNT Consulting & Engineering, LLC, on behalf of Lowe's Home Centers, Inc., 1605 Curtis Bridge Road, Wilkesboro, NC 28697 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline and diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Burning Well Crude Oil Gathering Facility**, Sergeant Township, **McKean County**. ATC Associates, Inc., 103 North Meadows Drive, Suite 215, Wexford, PA 15090 on behalf of SOPUS, Inc., 203 Steepleview Drive, Clarion, PA 16214 has submitted a Final Report concerning remediation of site soil contaminated with 1,3,5-trimethylebenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approval under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR081D006. TBS Industries, Inc.**, 4211 Van Kirk Street, Philadelphia, PA 19135-3925. For the recycling of various uncontaminated and source-separated electronic equipment and components electronics equipment by sorting, disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only). The Department of Environmental Protection (Department) approved the determination of applicability on March 4, 2008

Persons interested in reviewing the general permit should contact the Division of Municipal and Residual Waste, General Permits/Beneficial Use Section, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 101571. Mostoller Landfill, Inc.,** 7095 Glades Pike, Somerset, PA 15501. Operation of a Municipal Waste Landfill in Somerset and Brothersvalley Townships, **Somerset County**. Permit issued in the Regional Office on March 26, 2008.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).**

*Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGR028-SC01A and WMGR028-SC01B. Kinsley Construction, Incorporated,** 2700 Water Street, York, PA 17405. The Department of Environmental Protection (Department) has issued two Determinations of Applicability under General Permit WMGR028 to Kinsley Construction for the use of baghouse fines and scrubber pond precipitates for use as an aggregate in roadway construction, a soil additive, a soil conditioner, or a component or ingredient in the manufacturing of construction products. These Determinations of Applicability are for two of their plants; one located at their Codorus Facility, 135 Mundis Race Road, Manchester Township, York, PA 17404 and the other located at their O-N Minerals Plant, 2305 Lemon Street, West Manchester Township, York, PA 17404.

Persons interested in reviewing the general permit should contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar; New Source Review Chief, (484) 250-5920.*

**46-310-072GP: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on March 26, 2008, to operate a portable nonmetallic mineral in West Pottsgrove Township, **Montgomery County**.

**46-329-027GP: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on March 26, 2008, to operate a diesel/No. 2 fuel-fired internal in West Pottsgrove Township, **Montgomery County**.

**23-302-147: Crozer-Chester Medical Center** (One Medical Center Boulevard, Upland, PA 19013-3995) on March 31, 2008, to operate one 31.51 mmBtu/hr combustion unit in Upland Borough, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**GP1-28-3010: Ventura Foods, LLC** (501 Orchard Drive, Chambersburg, PA 17201) on March 25, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Chambersburg Borough, **Franklin County**. This is a renewal of the GP1 permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**GP5-30-00172: Equitable Gathering, LP** (1710 Pennsylvania Avenue, Charleston, WV 25302) on March 31, 2008, to allow for the operation of one 945 Horsepower Caterpillar Engine equipped with a catalytic converter along with a dehydrator controlled by a thermal oxidizer in Morris Township, **Greene County**. In addition to this are two pressurized natural gas liquid tanks, two condensate tanks and a couple of water tanks. Authorization to operate under this GP will expire on March 31, 2013.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**GP-16-154A: Texas Keystone, Inc.—Shaffer Station** (Snyder Road, Brookville, PA 15825) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Limestone Township, **Clarion County**.

**GP-20-253A: Range Resources-Appalachia, LLC—Miller Station** (SR 1020, Carlton, PA 16311) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Rome Township, **Crawford County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-20-254A: Range Resources-Appalachia, LLC—Hasbrouck Station** (Bethel Road, Titusville, PA 16354) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Rome Township, **Crawford County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-20-257A: Range Resources-Appalachia, LLC—Lippert Station** (Pettis Road, Cochran, PA 16314) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in East Fairfield Township, **Crawford County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-20-273A: Range Resources-Appalachia, LLC—Izbicki Station** (SR 1024, Canadota Road, Union City, PA 16438) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Bloomfield Township, **Crawford County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-43-271A: Range Resources-Appalachia, LLC—Wallace Station** (1369 Cochran Road, Carlton, PA 16311) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in French Creek Township, **Mercer County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-61-194A: Range Resources-Appalachia, LLC—Toonerville Station** (Petroleum Center Road, Carlton, PA 16311) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Cherrytree Township, **Venango County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-61-195A: Range Resources-Appalachia, LLC—Haslett Station** (Bethel Church Road, Carlton, PA 16311) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Jackson Township, **Venango County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-61-202A: Range Resources-Appalachia, LLC—Cook Station** (Goodwin Road, Dempseytown, PA 16317) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Plum Township, **Venango County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

**GP-62-155A: Belden & Blake Corp.—Lamoree Compressor Station** (SR 27, Grand Valley, PA 16354) on March 26, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Eldred Township, **Warren County**.

**GP-62-159A: Range Resources-Appalachia, LLC—Spring Creek Station** (Collins and Gleason Hollow Roads, Springcreek Township, PA 16317) on March 31, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Spring Creek Township, **Warren County**. This permit was previously permitted under Great Lakes Energy Partners, LLC.

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**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**09-0200: Burton Imaging Group** (625 Winks Lane, Bensalem, PA, 19020) on March 25, 2008, to install five digital printers with a regenerative thermal oxidizer as a control and a digital coater in Bensalem Township, **Bucks County**. This facility is a Synthetic Minor for VOC. Emissions from these sources are 13.95 tons of VOC. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**15-0037D: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) on March 27, 2008, to install an SPS Rehms Screen Press at their existing facility in West Whiteland Township, **Chester County**. The potential increase of VOC emissions from this new press is 6.61 tpy. In addition, the Plan Approval will establish a Plantwide Applicability Limit of 47.895 tpy of VOCs. The Plan Approval will contain recordkeeping and operating conditions designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**54-302-074: Guilford Mills Inc.** (P. O. Box 19366, Greensboro, NC 27419) on April 1, 2008, to install a new boiler and modification to an existing boiler at their facility in Pine Grove Borough, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-05120A: Nessco Enterprises, LLC** (124 Earland Drive, New Holland, PA 17557-1503) on March 27, 2008, to construct two spray booths with filters for control of PM emissions and two drying tunnels at their wood working facility in East Earl Township, **Lancaster County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**62-181A: Ellwood National Forge—Warren Division** (One Front Street, Irvine, PA 16329) on March 25, 2008, to install a Turbine Shaft Shotblaster and Paint Booth at their facility in the City of Warren, **Warren County**. This is a Title V facility which was originally given a plan approval identification of 62-032C. and was corrected to correctly identify the facility location.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**21-05002: PPG Industries, Inc.** (400 Park Drive, Carlisle, PA 17013-9271) on March 24, 2008, for use of a VOC-containing cutting fluid lubricant for glass cutting at the Works No. 6 plant in South Middleton Township, **Cumberland County**. This Title V operating permit was administratively amended to incorporate the glass cutting lubricant authorized by the recent plan approval. This is Revision No. 1.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**56-00262: Mostoller Landfill, Inc.** (7095 Glades Pike, Somerset, PA 15501) on March 25, 2008, to operate landfill, gas control system and soil processing system at there site for their municipal solid waste landfill in Brothers Valley and Somerset Township, **Somerset County**. The Title V Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements. This is a Title V Renewal.

**32-00059: Reliant Energy Northeast Management Co.** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on March 28, 2008, to renew their operating permit renewal for their Conemaugh Plant, in West Wheatfield Township, **Indiana County**. The facility's major sources of emissions include two coal-fired boilers, each rated at 8,060 mmBtu/hr, that emit major quantities of CO, NOx, PM and SOx. The permit contains all applicable requirements including Commonwealth and Federal regulations, as well as monitoring, recordkeeping and reporting requirements to ensure compliance.



**32-00059: Reliant Energy Northeast Management Co.** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on March 28, 2008, to operate two coal-fired boilers in West Wheatfield Township, **Indiana County**. This is a renewal of the Title IV (Acid Rain) operating permit.

**63-00642: Equitrans, LP** (100 Allegheny Center Mall, Pittsburgh, PA 15222) on March 27, 2008, to operate at Hartson Compressor Station in Finleyville, **Washington County**. The facility is a Title V facility and is primarily used for the storage and distribution of natural gas. The facility's major sources include three internal combustion engines which emit quantities of potential NOx emissions greater than 100 tpy.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-03139: Ross Technology Corp.** (104 North Maple Avenue, Leola, PA 17540-9799) on March 24, 2008, to operate a sandblasting operation at their 98 East Main Street, Leola facility in Upper Leacock Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**67-05096: Blockhouse Co., Inc.** (3285 Farmtrail Road, York, PA 17406) on March 27, 2008, to operate their wood furniture manufacturing facility in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**56-00261: Gilmore Manufacturing Co.** (429 Drum Ave., Somerset, PA 15501) on March 21, 2008, to renew a Natural Minor Permit to operate a garden tool manufacturing facility in Somerset Borough, **Somerset County**. Emissions from this facility shall not exceed 100 tons SO<sub>2</sub>, 100 tons NOx, 100 tons PM<sub>10</sub>, 50 tons VOC, 10 tons of a single HAP and 25 tons of all HAP combined. The permit contains all applicable requirements including Commonwealth and Federal regulations, as well as monitoring, recordkeeping and reporting requirements to ensure compliance.

**11-00412: Fuel Recovery, Inc.** (2591 Wexford-Bayne Road, Sewickley, PA 15143) on March 28, 2008, for a Natural Minor Permit to operate a coal refuse reprocessing facility at the Sonman Refuse Site in Portage Township, **Cambria County**. Emissions from this facility shall not exceed 100 tons SO<sub>2</sub>, 100 tons NOx, 100 tons PM<sub>10</sub>, 50 tons VOC, 10 tons of a single HAP and 25 tons of all HAP combined. The permit contains all applicable requirements including Commonwealth and Federal regulations, as well as monitoring, recordkeeping and reporting requirements to ensure compliance.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**10-00303: C.U.E., Inc.** (11 Leonberg Road, Cranberry Township, PA 16066) on April 1, 2008, to re-issue a Synthetic Minor permit to operate a polyurethane plastic casting facility in Township of Cranberry, **Butler County**. The significant sources included combustion

sources, casting (11), adhesive application, mold cleaning (polyol) and safety klean degreaser unit. The facility has taken restriction on VOC and HAPs emission to qualify as synthetic minor.

**25-00928: Zurn Industries, Inc.—Specification Drainage Operations** (1801 Pittsburgh Avenue, Erie, PA 16514) on March 31, 2008, the Department re-issued a Natural Minor Operating Permit for this plumbing fixture, fittings and trim manufacturing facility in the City of Erie, **Erie County**. Emissions of criteria pollutants are low enough to qualify for a Natural Minor Operating Permit.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**41-00010: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) on March 28, 2008, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate conditions from Plan Approval 41-00010E for two 1,000 pound capacity iron and steel foundry electric induction melting furnaces and an associated air cleaning device (a cartridge collector) as well as conditions from Plan Approval 41-00010F for a shot blasting system, an arc welding station, four grinding stations and four plasma arc cutting/welding stations and an associated air cleaning device (a fabric collector) in Muncy Borough, **Lycoming County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**32-00196: United School District—United Jr.-Sr. High School** (10780 Route 56 Highway East, Armagh, PA, 15920) on March 26, 2008, for an administrative amendment of their operating permit to revise the responsible official and permit contact information as well as the mailing address in East Wheatfield Township, **Indiana County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**33-00085: Symmco, Inc.** (101 South Park Street, Sykesville, PA 15865-0039) on March 31, 2008, for an administrative amendment of their Natural Minor Operating Permit, to incorporate the applicable conditions of plan approval No. 33-085A in Sykesville Borough, **Jefferson County**. The conditions are applicable to Sources No. 189, No. 197, No. 232, No. 242.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**56-00298: Garrett Limestone Co., Inc.,** (451 Stoystown Road, Suite 104, Stoystown, PA 15501) on March 28, 2008, to increase site emissions of PM<sub>10</sub> by 0.25 tpy at their Romesburg Quarry in Summit Township, **Somerset County**. The emission increase is due to the construction of a new tertiary stone crusher and associ-

ated conveyors. The Department has approved these emissions as de minimis increases in accordance with 25 Pa. Code § 127.449.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit Number: 30743704 and NPDES Permit No. NA, Duquesne Light Company,** (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 2 Coal Refuse Disposal Area in Monongahela Township, **Greene County** for reclamation only. No additional discharges. Application received November 1, 2006. Permit issued March 27, 2008.

**Permit Number: 30010701 and NPDES Permit No. PA0235440, Cumberland Coal Resources, LP,** (855 Kirby Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Cumberland Mine No. 2 Coal Refuse Disposal Area in Whiteley Township, **Greene County** and related NPDES permit. No additional discharges. Application received May 7, 2007. Permit issued March 28, 2008.

### Noncoal Permits Actions

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**Permit No. 40A76SM9 and NPDES Permit No. PA0212491, Keystone Lime Company,** P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving streams: Glade Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 23, 2008. Permit issued March 24, 2008.

**21070802. Warren M. Nolt,** 34 Clugston Road, Newville, PA 17241, commencement, operation and restoration of a small noncoal (industrial minerals) operation in North Newton Township, **Cumberland County**, affecting 5.0 acres, receiving stream: UNT to Green Spring Creek. Application received July 25, 2007. Permit issued March 24, 2008.

**Permit No. 32082801. Ridge Limestone, Inc.,** 1094 Lantz Road, Avonmore, PA 15618, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Young Township, **Indiana County**,

affecting 5.0 acres. Receiving stream: Nesbit Run. Application received January 25, 2008. Permit issued March 27, 2008.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**20900302. Frank Tucci** (25000 PA Route 99, Cambridge Springs, PA 16403) Revision to an existing sand and gravel operation to add 2.0 acres in Rockdale Township, **Crawford County**. Total SMP acreage is now 24.0 acres. Receiving stream: Kelly Run. Application received October 9, 2007. Permit issued March 25, 2008.

**16082801. Ron Nick Excavating** (420 Nick Lane, Lucinda, PA 16235) Commencement, operation and restoration of a small noncoal sandstone operation in Elk Township, **Clarion County** affecting 5.0 acres. Receiving stream: Little Paint Creek. Application received January 2, 2008. Permit issued March 20, 2008.

**42080801. Robert J. Ostrom** (P. O. Box 201, Port Allegany, PA 16743) Commencement, operation and restoration of a small noncoal bluestone operation in Liberty Township, **McKean County** affecting 5.0 acres. Receiving stream: Lillibridge Creek. Application received January 3, 2008. Permit issued March 27, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**64070818. Rob Flynn,** (755 Preston Road, Lakewood, PA 18439), commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received August 21, 2007. Permit issued March 25, 2008.

**58070858. Scott William George,** (R. R. 1, Box 59, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Lanesboro Borough, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 11, 2007. Permit issued March 25, 2008.

**66072802. Meshoppen Stone Incorporated,** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received December 3, 2007. Permit issued March 26, 2008.

**52070804. Sunnylands, Inc.,** (3000 Sunrise Lake, Milford, PA 18337), commencement, operation and restoration of a quarry operation in Dingman Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received December 4, 2007. Permit issued March 26, 2008.

**52070805. Sunnylands, Inc.,** (3000 Sunrise Lake, Milford, PA 18337), commencement, operation and restoration of a quarry operation in Dingman Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received December 4, 2007. Permit issued March 26, 2008.

**45080801. Bruce George Paving & Excavating, Inc.,** (R. R. 2, Box 331, Kunkletown, PA 18058), commencement, operation and restoration of a quarry operation in Eldred Township, **Monroe County** affecting 5.0 acres, receiving stream: none. Application received January 25, 2008. Permit issued March 27, 2008.

**15810401C. Martin Limestone, Inc.,** (P. O. Box 550, Blue Ball, PA 17506), depth correction for an existing quarry operation in Honey Brook Township, **Chester**

**County** affecting 75.5 acres, receiving stream: none. Application received July 12, 2007. Correction issued March 27, 2008.

**7974SM1C5 and NPDES Permit No. PA0594121. Hanson Aggregates Pennsylvania, Inc.**, (P. O. Box 231, Easton, PA 18044), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Rockhill Township, **Bucks County**, receiving stream: UNT to Tohickon Creek. Application received June 30, 2008. Renewal issued March 28, 2008.

**58070863. Kevin Millard**, (R. R. 2, Box 2128, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 26, 2007. Permit issued March 28, 2008.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**31084101. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for pipeline development in Jackson Township, **Huntingdon County**. Blasting activity permit end date is March 30, 2009. Permit issued March 20, 2008.

**44084101. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for pipeline development in Bratton, Granville and Oliver Townships, **Mifflin County**. Blasting activity permit end date is March 30, 2009. Permit issued March 20, 2008.

**34084101. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for pipeline development in Lack and Tuscarora Townships, **Juniata County**. Blasting activity permit end date is March 30, 2009. Permit issued March 30, 2008.

**01084105. J. Roys, Inc.**, P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for utility development in Cumberland Township, **Adams County**. Blasting activity permit end date is March 18, 2009. Permit issued March 20, 2008.

**28084107. Jemco, Inc.**, 3338b Prices Distillery Road, Ijamsville, MD 21754-9315, blasting activity permit issued for residential development in Washington Township, **Franklin County**. Blasting activity permit end date is April 1, 2009. Permit issued March 21, 2008.

**44084102. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for residential development in Armagh Township, **Mifflin County**. Blasting activity permit end date is March 18, 2009. Permit issued March 21, 2008.

**21084115. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is March 31, 2009. Permit issued March 21, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14084002. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), blasting for Centre County SR 6220 (A-12) I-99 located in Patton Township, **Centre County**. Permit issued March 13, 2008. Permit expires September 30, 2008.

**17084002. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830), blasting for Woolridge GFCC located in Bradford Township, **Clearfield County**. Permit issued March 3, 2008. Permit expires in September 2010.

**14084101. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033), blasting for a pipeline, Dominion Cove Point Expansion, located in Boggs, Curtin and Harris Townships, **Centre County**. Permit issued March 13, 2008. Permit expires March 30, 2009.

**18084101. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033), blasting for a pipeline, Dominion Cove Point Expansion, located in Beech Creek and Noyes Townships, **Clinton County**. Permit issued March 13, 2008. Permit expires March 30, 2009.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**36084132. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Salisbury Township, **Lancaster County** with an expiration date of June 30, 2008. Permit issued March 24, 2008.

**36084133. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a manure pit in Earl Township, **Lancaster County** with an expiration date of June 30, 2008. Permit issued March 24, 2008.

**36084134. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Laurel Field Development in Manheim Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued March 24, 2008.

**36084135. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a chicken house in Leacock Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued March 24, 2008.

**66084103. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Exeter Township, **Wyoming County** with an expiration date of December 31, 2008. Permit issued March 25, 2008.

**06084110. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Candlewood Suites in West Reading Borough, **Berks County** with an expiration date of March 15, 2009. Permit issued March 26, 2008.

**35084109. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for reclamation of an old quarry in South Abington Township, **Lackawanna County** with an expiration date of April 30, 2009. Permit issued March 26, 2008.

**36084136. Gerlach's Drilling & Blasting**, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Brethren Village in Manheim Township, **Lancaster County** with expiration date of April 1, 2009. Permit issued March 26, 2008.

**36084137. Gerlach's Drilling & Blasting,** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Country Club Apartments in East Lampeter Township, **Lancaster County** with expiration date of April 1, 2009. Permit issued March 26, 2008.

**40084105. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Price Chopper in Wilkes-Barre Township, **Luzerne County** with an expiration date of July 30, 2008. Permit issued March 26, 2008.

**40084106. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Laurel Brook Estates in Bear Creek Village and Bear Creek Township, **Luzerne County** with an expiration date of August 31, 2008. Permit issued March 26, 2008.

**06084001. Joao & Bradley Construction,** (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC, (P. O. Box 20412, Bethlehem, PA 18002), construction blasting for the Village of Frystown Sanitary Sewer in Bethel Township, **Berks County** with an expiration date of November 30, 2008. Permit issued March 31, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E29-094: Department of Conservation and Natural Resources, Bureau of Forestry,** James S. Smith, 440 Buchanan Trail, McConnellsburg, PA 17233-8204, Ayr Township, **Fulton County**, ACOE Baltimore District

To construct and maintain a 4.0-foot wide single span footbridge having a normal span of 69.0 feet and a minimum underclearance of 5.70 feet across Big Cove Creek (CWF) (Big Cove Tannery, PA Quadrangle N: 15.8 inches; W: 6.9 inches, Latitude: 39° 50' 13"; Longitude: 78° 02' 57") for the purpose of improving a trail in Buchanan State Forest located in Big Cove Tannery Village, about 1 mile south of the PA 928 and PA 522 intersection in Ayr Township, Fulton County.

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E11-331. Department of Transportation, District 9-0,** 1620 North Juniata Street, Hollidaysburg, PA 16648. To construct a bridge in Clearfield Township, **Cambria County**, Baltimore ACOE District (Ashville, PA Quadrangle N: 17.9 inches; W: 2.7 inches, Latitude: 40° 35' 55"; Longitude: 78° 31' 10"). To construct and maintain a 98.5 ft. long by 29.4 ft. wide, 22.6 ft. minimum underclearance, single span replacement of the failed SR 1012, 100 ft. long by 20 ft. wide, single span bridge over Clearfield Creek (WWF, TSF) with a drainage area of 57 sq. miles, a 239 ft. long relocation of a UNT to Clearfield Creek (CWF) with a drainage area of 20 acres; and a road stormwater outfall to Clearfield Creek. In addition, a total of 0.001 acre of de minimis Exceptional Value wetland fill will be replaced at the Department of Transportation's Cambria County wetland bank. This project provides for minor road realignment and replacement of the failed Clearfield Creek Bridge that was removed January 2, 2008, under Emergency Permit 1107203. The project is located approximately 0.2 mile west of the Village of Dysart in Clearfield Township.

**E65-915. Department of Transportation, District 12-0,** P. O. Box 459, Uniontown, PA 15401. To construct culverts and impact a wetland in Derry Township, **Westmoreland County**, Pittsburgh ACOE District. This project, Section B10 of the phased S22 widening, improvement work starts approximately 0.2 mile west of Blairsville and extends west approximately 2.3 miles and is located in Derry Township (Blairsville, PA Quadrangle N: 9.3 inches; W: 8.7 inches, Latitude: 40° 25' 33"; Longitude: 79° 18' 40" to N: 11.1 inches; W: 3.8 inches, Latitude: 40° 26' 10"; Longitude: 79° 16' 24").

1. A 315 ft. long by 100 ft. wide, 50 ft. underclearance, three span replacement of the existing SR 22, 280 ft. long by 65 ft. wide, three span bridge over Stoney Run (CWF) and associated temporary stream crossings;

2. A 38 ft. 7 inch long extension with 6 inch depression to an existing 65 ft. long 5 ft. by 5 ft. concrete box culvert under the widened SR 22 in a UNT to the Conemaugh River (WWF);

3. An 85 ft. long 7 ft. by 5 ft. concrete box culvert with 6 inch depression located approximately 250 ft. downstream of item 2 and under the proposed Jonnett Connector North;

4. Improvements to an existing 3 ft. by 5 ft. concrete elliptical culvert located approximately 250 ft. upstream of item 2;

5. An 88 ft. long 7 ft. wide by 4 ft. deep concrete box culvert with 6 inch depression located upstream 100 ft. of item 2 and under a proposed eastbound access road;

6. A 35 ft. long 48 inch diameter rcp culvert, two approximately 50 ft. long 36 inch culverts and approximately 675 ft. of channel relocation in drainage areas of less than 100 acres in UNTs to Stoney Run (CWF) and the Conemaugh River (WWF);

7. Road construction associated temporary crossings and stormwater outfalls;

8. In addition, a total of 0.42 acre of PEM wetland temporary impacts and 0.48 acre of permanent fill and maintenance of PEM wetlands;

Wetland mitigation is provided at the Sanderson property wetland mitigation site for SR 22 Sections B07—B10. Stream mitigation for the permanent loss of approximately 352 feet of stream is provided by improvements to a car-top boat access to the Conemaugh River Lake, Conemaugh Township, Indiana County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E42-337, Tuna Valley Trail Association**, 300 Campus Drive, Bradford, PA 16701. South Trail, in Bradford Township, **McKean County**, ACOE Pittsburgh District.

To conduct the following activities associated with the construction of Tuna Valley Trail Association South Trail following approximately 3.4 miles of an existing abandoned railroad grade extending south from Owens Way south of Bradford to the Main Street in Lewis Run Borough:

1. To rehabilitate and maintain the existing Browntown Bridge having a span of 80 feet across East

Branch Tunungwant Creek just north of T-331 (Bradford, PA Quadrangle N: 41° 53' 13.5"; W: 78° 39' 14.0")

2. To construct and maintain a steel beam bridge having a clear span of 23 feet, 8 inches and an underclearance of 6.4 feet across Sheppard Run approximately 250 feet north of East Warren Road (Bradford, PA Quadrangle N: 41° 54' 22.7"; W: 78° 39' 0.5")

3. To repair, modify or replace and maintain various cross culverts on smaller tributaries to East Branch Tunungwant Creek along the 3.4 mile trail.

## SPECIAL NOTICES

### Notice of Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection hereby announces the following grants to counties under the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.901) and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (35 P. S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by the act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P. S. §§ 4000.701 and 4000.702) and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

KATHLEEN A. MCGINTY,  
*Secretary*

### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast				
Northeast	Susquehanna	Susquehanna County	Plan Revision	\$14,721
Southcentral				
Northcentral				
Southwest				
Northwest				

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of March 2008, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469,

Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Terry Amsley	74 Derbyshire Drive Carlisle, PA 17013	Testing
Michael Baltrush	179 West Broad Street Suite 2 Telford, PA 18969	Testing
Richard Barto	139 Railroad Street Evans City, PA 16033	Testing
Thomas Berardelli	770 Route 307 Spring Brook, PA 18444	Testing
Frederick Buck	P. O. Box 63 Saylorsburg, PA 18353	Testing
Paul Bukeavich	1207 Beech Road White Haven, PA 18661	Testing
Terry Campbell	6192 Boxer Drive Bethel Park, PA 15102	Testing
Daniel Cribbs	321 Basin Street Saltsburg, PA 15681	Testing
David DeMar	P. O. Box 296 Green Lane, PA 18054	Testing
David DeMar Accurate Radon Control, Inc.	P. O. Box 296 Green Lane, PA 18054	Mitigation
David Dziak	R. R. 3, Box 161 Harveys Lake, PA 18618	Testing
Tracy Fawley	61 Bear Tree Road Lake Ariel, PA 18437	Testing
Sheldon Fleming	32 Hanover Street P. O. Box 279 Codorus, PA 17311	Testing and Mitigation
Ahmad Gilliard	8311 Forrest Avenue Philadelphia, PA 19150	Testing
Robert Hannabery	P. O. Box 1582 Bethlehem, PA 18016	Testing
Steven Hunn	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Phil Houck	677 Jacobsburg Road Nazareth, PA 18064	Testing
Daniel Linski	100 North Wilkes-Barre Boulevard Wilkes-Barre, PA 18702	Testing
Joseph Liotta, IV	2909 Keenwood Road Norristown, PA 19403	Mitigation
Andrew Luzetski	7 Woodside Drive Dallas, PA 18612	Testing
Greg Mathias	66 Wedgewood Gardens Lewisburg, PA 17837	Testing
Troy Mickle	2122 Valley Road Schellsburg, PA 15559	Testing
David Morgan, III	44 Crestview Road Phoenixville, PA 19460	Testing
Joseph Peake	110 Lakeview Trail Sugarloaf, PA 18249	Testing
Richard Saylor	555 Hammerstone Drive	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
	Westminster, MD 21157	
Ronald Skovira	61 Sunset Drive Carlisle, PA 17013	Mitigation
Matthew Stabinski	723 South State Street Clarks Summit, PA 18411	Testing
Timothy Stewart	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Richard Stump, II Suburban Water Testing Labs, Inc.	4600 Kutztown Road Temple, PA 19560	Testing
Barbara Sykes	88 Cherry Lane Doylestown, PA 18901	Testing
John Sykes	88 Cherry Lane Doylestown, PA 18901	Testing and Mitigation
William Thacker	33 Cherry Road Airville, PA 17302	Testing
Stanley J. Watras S.J. Watras, Inc.	32 Indian Lane Boyertown, PA 19512	Testing and Mitigation
Ronald Zimmerman	P. O. Box 179 Kutztown, PA 19530	Testing

### **Bureau of Mine Safety**

#### **Approval of Request for Variance**

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau) has approved Penn View Mining Company's request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act (act) (53 P. S. §§ 701-101—701-706) at the TJS No. 6 Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the Bureau web site at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp).

*Summary of the Request:* Penn View Mining Company requested a variance from the act to allow for the common ventilation of belt conveyor entry with other entries at the TJS No. 6 Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements set forth in the act.

The basis for the Bureau's approval is summarized as follows:

1. The Pyott-Boone 9500 CO Monitoring System will provide advance warning of a developing mine fire originating in the conveyor belt entry. When maintained and operating correctly, this system provides warnings much earlier than the point type heat sensors.

2. Common entries would permit the larger section mantrip and scoops access to belt entry for transportation of personnel and supplies.

3. The operator will maintain a separate isolated intake escapeway that is at a higher air pressure than the belt and common entries.

4. The plan provides for the common entries to serve as an alternate intake escapeway. There will be a total of three separate, isolated escape routes.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is

isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the plan and the following conditions:

1. All mine employees shall be task trained in the Pyott Boone CO monitoring system alert and alarm response procedures. These procedures shall also be included in the 8-hour annual retraining.

2. A test button shall be installed to allow a daily function check of the outside surface alarm system. A competent person shall make this daily function test and a record of this test maintained.

3. As part of the requirements of section 228, all belt entries, common entries and unfenced roadways shall be preshifted in their entirety.

4. A preshift date board should be placed at each CO sensor location.

5. Designated areas shall be established (with approval from the District Inspector) at strategic locations along the belt entry and common entries to determine whether the air is traveling in the proper course and normal volume. This air reading shall be taken by a scientific means (anemometer, chemical smoke tube, velometer) and recorded in the preshift examination record book.

6. The investigative committee shall conduct an underground ventilation survey when the belt and common entries are established to verify pressure differential between the intake escapeway and the common entries.

7. The investigative committee shall evaluate the visual and audible alarms during the installation process.

8. A list of designated surface personnel shall be forwarded to the District Inspector upon activation of the CO Monitoring System. Copies of the task training records shall also be forwarded to the District Inspector.

9. Both the visual and audible alarm signals must automatically be provided at all working sections.

10. If the common entries cannot be maintained at a lower pressure condition, the mine operator shall notify the Bureau of the condition, the specific cause, areas affected and steps that will be taken to maintain the pressure in the belt and common entries at the lowest attainable level.

11. The operator must ascertain whether or not the belt compounds used in the mine produce CO when burnt. Should the operator use a non-CO producing compound in the mine, additional sensors must be used in conjunction with the CO detectors to provide the early warning benefits of the monitoring system.

12. The CO sensor spacing must be adjusted to provide a reasonable alarm time should a fire occur in the belt entry or the common entries. The currently accepted standard is to provide an alarm within 20 minutes of the initiation of a fire. However, the Bureau of Mines Report of Investigation 9380 states that the CO monitoring system must detect a small, flaming coal fire within a time, measured from the moment of ignition of the coal fire, of 14.25 minutes or less. The belt entry air velocity will determine sensor spacing. The adjustments will be made during the onsite inspection.

13. The operator shall comply with the Federal Fire Defense and Evacuation Plan and the following Federal standards

- a. 30 CFR 75.350(7)(c)(d)
- b. 30 CFR 75.351
- c. 30 CFR 75.380
- d. 30 CFR 75.1100

14. If any changes are made in the approved plan or if the District Mine Inspector finds any deficiencies, a revised program shall be sent to the Bureau for approval of the revision.

15. In main entries, submain entries and butt entries, the operator will maintain as many intakes as belt common entries.

[Pa.B. Doc. No. 08-673. Filed for public inspection April 11, 2008, 9:00 a.m.]

#### **Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring Technical Workgroup Meeting**

The Air Quality Technical Advisory Committee Ad-hoc Subcommittee on Monitoring Technical Workgroup will hold meetings on the following dates and locations in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

<i>Date</i>	<i>Location</i>
April 23, 2008	2nd Floor Training Room
May 14, 2008	12th Floor Large Conference Room
May 28, 2008	12th Floor Large Conference Room
June 10, 2008	10th Floor Training Room

Additional guidance to the Continuous Source Monitoring Manual, Revision No. 8 (Manual, 274-0300-001) to support the Pennsylvania Mercury Rule contained at 25 Pa. Code §§ 123.201—123.215 (relating to standards for contaminants mercury emissions) and other minor admin-

istrative corrections to the Manual will be discussed at the meetings. The meetings are scheduled to take place from 9 a.m.—2 p.m.

Questions concerning the previous meetings can be directed to Tony A. Pitts at (717) 772-3973 or tpitts@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Persons with a disability who require accommodations to attend the meetings listed previously should contact the Department at (717) 783-7816 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-674. Filed for public inspection April 11, 2008, 9:00 a.m.]

#### **Availability for Public Comment; 2008 Draft Integrated Water Quality Monitoring and Assessment Report**

The Department of Environmental Protection (Department) is providing for public comment its draft 2008 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). The Integrated Report includes both a narrative description of the Commonwealth's water quality management programs (formerly the 305(b) Report) and various lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act. The report is comprised of four parts and also includes a five-part list that collectively summarizes the designated use attainment status of Commonwealth surface waters.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to identify waters which would still be impaired, even after the appropriate technology has been applied to point sources and requires best management practices are in place for nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are placed on List 5 of the Integrated Waterbody List.

For each waterbody in Category 5, the state or the United States Environmental Protection Agency must develop Total Maximum Daily Load (TMDL) allocations. A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and nonpoint pollutant loads without violating water quality standards. TMDLs also describe the conditions necessary to improve water quality. TMDLs are used to set limits in NPDES water quality permits and identify where best management practices for nonpoint sources are necessary to improve and protect water quality. When a TMDL is approved for a waterbody, that waterbody listing is moved to List 4a.

Waterbody assessment and compilation of the Integrated Report is an ongoing process. The Department will continue to verify the quality of data used in this process and, as needed, will publish supplements to the Integrated Report for public review and comment.



The draft 2008 Integrated Report is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (under "Water Topics," select "Water Quality," then "2008 Integrated List"). Due to the volume of the draft Integrated Report, it will not be available in hardcopy.

The Department invites public comments on the draft Integrated Report. The Department must receive comments on the draft Integrated Report by May 27, 2008. Written comments should be submitted to Amy Williams, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, [amywilli@state.pa.us](mailto:amywilli@state.pa.us). Comments received by facsimile will not be accepted.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amy Williams directly at (717) 772-4045 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-675. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance:*

DEP ID: 391-2000-014. Title: Policy and Procedure for Evaluating Wastewater Discharges to Intermittent and Ephemeral Streams, Drainage Channels and Swales and Storm Sewers. Description: This document provides guidance on the Department's process for evaluating and permitting wastewater discharges to intermittent and ephemeral streams, drainage channels and swales and storm sewers. Substantive changes were made to the

guidance to incorporate requirements into the planning and permitting process activities associated with the above wastewater discharges. Major revisions to the guidance include the following:

- For any new discharge that does not meet the definition of a Small Flow Treatment Facility (SFTF), easements from affected property owners will be required when the treated wastewater will flow over land that is not owned by the permittee.

- Flow Equalization and technology-based treatment requirements equivalent to tertiary treatment will apply, except for SFTFs.

- A demonstration that the receiving channel can convey the additional flow (channel conveyance analysis) will be required, except for SFTFs.

Notice of the substantive revisions to the technical guidance document was published at 37 Pa.B. (July 28, 2007), edition of the *Pennsylvania Bulletin* at 37 Pa.B. 4142, with provision for a 30-day public comment period that concluded on August 27, 2007. The Department did not receive any public comments during the comment period, however, the Department made changes to the final document to enhance its clarity. Specifically, references to "dry streams" were removed or identified as an inappropriate term. Clarity was added to the Avoidance Criteria section on page 5 of the technical guidance document to identify that the feasibility of moving a discharge point should be evaluated by the applicant. Contact: Questions regarding the technical guidance document should be directed to Thomas Starosta, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-4317, [tstarosta@state.pa.us](mailto:tstarosta@state.pa.us). Effective Date: April 12, 2008.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-676. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Clean Air Interstate Rule (CAIR) NOx Trading Programs; Request for Applications for Allocation to Renewable Energy and Energy Efficiency Qualifying Resources under Pennsylvania's CAIR Rule

The Department of Environmental Protection (Department) is providing notice to the generator owners of renewable energy qualifying resources and demand side management energy efficiency qualifying resources (qualifying resources) that application for Clean Air Interstate Rule (CAIR) NOx and CAIR NOx Ozone Season allowances are due, as follows:

**For vintage year 2011 and 2012 allowances:** Applications for vintage year 2011 and 2012 allowances, using baseline year 2005 and 2006 data, are due by May 12, 2008.

**For vintage year 2013 allowances:** Applications for vintage year 2013 allowances, using baseline year 2007 data, are due by June 30, 2008.

This notice is being provided concurrently with the publication of the Commonwealth's CAIR, on page 1705 of this publication. In order for these qualifying resources to receive allocations under Pennsylvania's CAIR, the applicant must send a written application for an allocation to the address provided at the end of this notice. An application must state the certified quantity of electric energy production, useful thermal energy, and energy equivalent value of the Pennsylvania Alternative Energy Portfolio Standard (AEPS) credits realized as a result of operating or implementing the qualifying resource. The Department will make allocations in accordance with 25 Pa. Code §§ 145.212 and 145.222 (relating to CAIR NOx allowance allocations; and CAIR NOx ozone season allowance allocations) and all other applicable requirements of Pennsylvania's CAIR.

The applicant and the written application must meet the requirements of 25 Pa. Code §§ 145.212(f)(1) and 145.222(f)(1). The application should include the name, owner and location of the qualifying resource that generated the AEPS credit and the name of the aggregator. The application must include the serial number identifying each AEPS certificate. The application should also contain the name of the authorized account representative appointed by the owner of the qualifying resource under 25 Pa. Code §§ 145.212(f)(1)(i) and 145.222(f)(1)(i), and the CAIR general account number to which the transfer of CAIR NOx allowances will be made. Qualifying resources must be located within the Commonwealth and must have commenced operation after January 1, 2005, in order to receive CAIR NOx allowances or CAIR NOx Ozone Season allowances. The Department will convert the output, verified by the AEPS credit serial numbers, to heat input using a conversion rate of 3,413 Btu/kWh. The Department will allocate allowances to qualifying resources as if they are electric generating units (EGU) regulated under CAIR.

Questions concerning the allocation of CAIR NOx allowances and CAIR NOx Ozone Season allowances to qualifying resources may be directed to the Department of Environmental Protection, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468. Questions concerning this notice should be directed to Randy Bordner, Division of Air Resource Management at (717) 772-3423.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-677. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **Erosion and Sediment Control General Permit for Earth Disturbance Associated With Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities**

The Department of Environmental Protection (Department) announces the availability of the Erosion and Sediment Control General Permit for Earth Disturbance Associated With Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-1). This General Permit is issued un-

der the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Oil and Gas Act (58 P. S. §§ 601.101—601.605) and sections 1905-A, 1917-A and 1920-A of the Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20). This general permit will be effective beginning April 12, 2008, and will expire on April 12, 2013.

The final General Permit package, including the comment and response document, is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: "Oil and Gas;" then select Forms).

The General Permit package is also available upon request by contacting the Department at the Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8765, (717) 772-2199.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-678. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **State Water Plan; Statewide Water Resources Committee Meeting**

The Statewide Water Resources Committee (Committee) will hold a meeting on April 18, 2008, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and materials for the April 18, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate). Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, [suweaver@state.pa.us](mailto:suweaver@state.pa.us).

Persons with a disability who require accommodations to attend the April 18, 2008, meeting of the Committee should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-679. Filed for public inspection April 11, 2008, 9:00 a.m.]

## **DEPARTMENT OF GENERAL SERVICES**

### **Real Estate for Sale Allegheny County**

The Department of General Services (Department) has State owned real estate for sale in the City of Pittsburgh, Allegheny County, PA. The Department through its Broker, GVA Oxford, will accept bids for the purchase of 1.258-acres +/- of improved land zoned "GT-D" Golden Triangle Subdistrict D located at 300 Liberty Avenue in the City of Pittsburgh. Bids are due May 14, 2008.

Interested parties wishing to receive a copy of Solicitation No. 94185 should call Randall G. McCombs, GVA Oxford at (412) 261-0200 or RMcCombs@gvaoxford.com.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 08-680. Filed for public inspection April 11, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Carlisle Outpatient Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Outpatient Surgery Center has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-681. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Application of Geisinger Wyoming Valley Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Wyoming Valley Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.3.3.1(2) (relating to stretcher clearance in pre-operative holding area bays).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-682. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Application of Ophthalmic Associates Surgery and Laser Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ophthalmic Associates Surgery and Laser Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-683. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Application of Riddle Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riddle Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following

publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-5.1.2.5 (relating to hand-washing station and medical gas outlets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-684. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Green Ridge Health Care Center  
2741 Boulevard Avenue  
Scranton, PA 18509

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Mary Evans Extended Care Center  
724 Pershing Street  
Ellwood City, PA 16117

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-685. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Reporting a Patient Identification Number

The act of July 20, 2007 (act) (40 P. S. §§ 1303.401—1303.411), establishes certain requirements relating to the surveillance, reporting, control and prevention of health care-associated infections. Under the reporting requirements for hospitals established in section 404(b)(2) of act (40 P. S. § 1303.404(b)(2)), a hospital is required to report health care-associated infection data to the United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), and its National Health Safety Network (NHSN), including the following:

Report[ing] patient-specific data to include, at a minimum, patient identification number, gender and date of birth. The patient identification number must be compatible with the patient identifier on the uniform billing forms submitted to the [Pennsylvania Health Care Cost Containment Council].

In a letter from Stacy A. Mitchell, Acting Deputy Secretary for Quality Assurance, dated December 5, 2007, the Department of Health (Department) clarified that reporting of the "patient identification number" referenced in section 404(b)(2) of the act required the completion of three patient identifier fields as follows:

- **Patient ID No.**—this is the primary field and should be completed with the patient identifier most useful to the facility's infection control efforts.
- **Secondary ID No.**—this should be completed with the Patient Control Number. This is the patient's account billing number reported in Field 3a of the Universal Billing Form-04 (UB-04).
- **SSN**—facilities must include the patient's social security number.

Although the act does not require NHSN reporting until February 14, 2008, some hospitals began reporting as early as January 1, 2008. Early NHSN reporting has revealed that reporting the Patient Control Number (the patient's account billing number reported in Field 3a of the Universal Billing Form-04 (UB-04)) in NHSN's "Secondary ID" field overrides Patient Control Numbers entered previously in other events for that patient, and results in health care-associated infection reporting which does not comply with the requirements of the act. Unfortunately, the CDC was not aware of this override issue until it was brought to their attention by the Department in response to comments from hospitals conducting early reporting.

To appropriately report patient identification numbers and allow for effective tracking of health care-associated infections in compliance with the act, a hospital is to report patient identification numbers as required under section 404(b)(2) of the act and Acting Deputy Secretary Mitchell's December 5, 2007, letter, with the exception that the information previously reported under the "Secondary ID" field is now to be reported in the "Comments" field.

Only the Patient Control Number should be included in the "Comments" field. A hospital should not include any other data, text or information in the "Comments" field. To ensure data entered as part of early reporting complies with the requirements of the act, a hospital should edit data previously reported to NHSN under these requirements to move the Patient Control Number previously reported under the "Secondary ID" field to the "Comments" field. Hospitals should be aware that the Patient Safety Authority will establish similar requirements for the reporting of patient identification numbers under the provisions of section 405 of the act.

The Department, the Health Care Cost Containment Council and the Patient Safety Authority will work with the CDC to create modifications to NHSN to allow reporting of the Patient Control Number in a separate patient ID field, and allow other data, text or information to be included in the "Comments" field.

Pending the implementation of these modifications to NHSN, and in recognition of the fact that hospitals may have desired to use the "Comments" field to include information explaining why health care-associated infection data may not have been reported to NHSN in a timely manner as required by sections 404 and 405 of the act, the Department will not take action against a hospital under section 411 or the Health Care Facilities Act (35 P. S. § 448.411), as long as health care-associated infection data is reported in accordance with the act within 30 days of confirmation of the event. Any other noncompliance with the reporting requirements of sections 404 and 405 of the act may result in penalties as authorized in under section 411.

Nothing in this notice shall relieve a hospital of timely complying with other requirements of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.101—1030.910), including the reporting and notification requirements of sections 308 and 311 of the MCARE Act (40 P. S. §§ 1303.308 and 1303.311), except as those requirements may have been superseded, amended, or altered by Act 52.

The Department will provide separate notice to hospitals when the necessary modifications to NHSN have been completed to allow reporting of the Patient Control Number in a separate patient ID field and release the "Comments" field for use by hospitals in including other data, text or information which they may desire to report.

Persons with a disability who require an alternative format of this Notice (for example, large print, audiotope, Braille) should contact Will Cramer, Chief, Healthcare Associated Infection Prevention Section, Bureau of Managed Care, Room 912, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-5193 or for speech and/or hearing impaired persons V/TT

(717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-686. Filed for public inspection April 11, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Reliant Energy Northeast Management Company v. DEP; EHB Doc. No. 2008-089-R

Reliant Energy Northeast Management Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Plumcreek Township, Armstrong County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-687. Filed for public inspection April 11, 2008, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Criteria for Courses of Instruction in Boating Safety Education

Under 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education), the Executive Director of the Fish and Boat Commission (Commission) shall establish criteria for courses of instruction in boating safety education, and the Executive Director shall publish the criteria in the *Pennsylvania Bulletin*.

The Executive Director has established the following Criteria for Internet, Correspondence and Classroom Boating Safety Education Courses. In the future, the Executive Director will approve, by separate notice, boat-

ing safety education courses that meet these criteria and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin*.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

### **Criteria for Internet Boating Safety Education Courses**

The Commission will use the following criteria to approve Internet boating safety education courses. The Commission will only issue Pennsylvania Boating Safety Education Certificates to Commonwealth residents who have successfully completed an approved course.

#### **Overview**

The Internet boating safety education course allows students to study boating and boating safety information and take a certification examination online in a secure Internet environment. The Internet course will consist of a complete educational curriculum covering the basics of boating safety, regulations and accepted best practices. The course will be presented in lesson format with in-depth coverage of the various topics listed in following sections. The information will be presented in a narrative fashion followed by review questions and discussion points. Courses that consist solely of questions with a correct answer description will not be deemed to meet the criteria contained in this document.

#### **Providers**

Approved Internet courses shall be offered by providers that meet the requirements of the Commission. Individuals or organizations that desire to provide an Internet boating safety education course that is approved for Pennsylvania boaters shall be willing to enter into an agreement with the Commission containing the Commonwealth's standard terms and conditions and the additional terms set forth in Exhibit A. Prior to entering into an agreement with the Commission, providers shall submit a request in writing to the Commission's Director of Boating and Access or designee and shall demonstrate to the Commission's satisfaction that the provider is capable of performing its obligations under the agreement. Providers shall demonstrate their capability by submitting the following documentation along with their request to the Commission:

1. A description of the provider and its capabilities, including a description of type and number of staff and their responsibilities.
2. Proof of ability to manage certification data securely and digitally. This will be demonstrated by providing either:
  - An existing computer-based database management system designed to manage certification data, or
  - Detailed specifications and a project plan to deliver such a computer-based system.
3. Copies of certification by the Payment Card Industry (PCI) to demonstrate provider's secure handling of students' credit card data.
4. Proof that provider's courses have been approved by the National Association of State Boating Law Administrators (NASBLA).
5. The web address (URL) of the Internet course.

#### **Course Content**

1. The course must be approved by NASBLA. Information on NASBLA approval is available on the NASBLA web site at [www.nasbla.org/](http://www.nasbla.org/) or by calling the NASBLA office at (859) 225-9487.

2. In addition to NASBLA requirements, course content will include:

- A description of boating in this Commonwealth.
- Commission regulatory responsibilities.
- Types of boats, boat motors and boat hulls.
- Boat terminology including, but not limited, to: hull, bow, forward, aft, stern, port, starboard, transom, keel, freeboard, draft, beam, gunwale, bilge, waterline.
- Long distance communication on the water.
- Boat handling.
- Process for passage through river locks.

#### **Organization**

1. Internet course contents will be organized in chapters or lessons.
2. Internet course will include chapter/lesson review exercises.
3. Internet course will have a comprehensive final examination.

#### **Animation quality**

1. Internet course will include animations or video clips where appropriate to illustrate concepts.
2. Animations will be developed using vector-based graphics for viewing on a variety of screen resolutions.
3. Animations and/or video clips will be of reasonable file size for quick download and delivery on a wide variety of user platforms and connection speeds.
4. Animations and/or video clips will allow student-paced instruction, where the student controls the pacing of the instructional segment and can replay the instructional segment.
5. Animations and/or video clips will be created in a contemporary design to engage all age groups, particularly the youth segment of the boating education market.

#### **Internet course design quality**

1. Internet course web page design will have an attractive, easy-to-read, and contemporary look and feel.
2. Internet course web page design will support all common user environments (various operating systems, web browsers and connection speeds).
3. Boating terms used in the Internet course will be hyperlinked to their definitions the first time they appear in the course material.
4. Internet course will include hyperlinks to locations within the Commission's web site from all appropriate locations within the Internet course.

#### **ADA version of Internet course design quality**

1. Standard Internet course design will be developed so that it complies with all Priority 1 checkpoints within the Web Content Accessibility Guidelines 1.0 (WCAG) developed by the World Wide Web Consortium (W3C).
2. Internet course design will be compliant with the Americans With Disabilities Act. Course provider will schedule annual reviews of its course material to verify continuing ADA-compliance and implement any changes needed as a result in its development of new course material.

### **Internet Course Chapter Review Quiz, Pretest and Online Certification Examination**

1. The Internet course must be organized into at least six chapters with a chapter review quiz at the end of each chapter.

2. The Internet course must be designed so that the student actively participates.

3. Students will not be able to access the certification examination without first successfully completing the chapter review quiz for each chapter.

4. Students will not be permitted to take the chapter review quiz without spending the minimum study time assigned to that chapter. The minimum study time assigned to each chapter must be approved by the Commission. The minimum time for the Internet course to be completed by the student, not including the certification examination, is 3 hours.

5. There must be at least 10 review questions for each chapter.

6. Students must successfully complete each chapter review quiz before progressing to the next chapter. Students may proceed once they have achieved at least a 70% on the chapter review quiz.

7. Students failing the chapter review quiz will be directed to study the material again and may not retake the quiz until they have again spent the minimum study time assigned to that chapter.

8. The testing portion of the Internet course will include a Pennsylvania-specific pretest and certification examinations. The Commission will review and approve all questions that are included in the examination question pool.

9. Internet course will have a testing algorithm for the pretest and certification examinations.

10. The pretest and final examination will contain at least 50 questions randomly drawn from a pool of questions written to NASBLA Education Standard 9.

11. The pretest and final examination will also include, at least, an additional 10 Pennsylvania-specific questions drawn from the pool of at least 30 questions developed by course provider and written to NASBLA Education Standard 9.

12. The randomization algorithm for online testing will create examinations that meet NASBLA Education Standard 9.2: Testing Standard 3.

13. Examination presentation will allow for the questions to be presented with color graphics or photos in order to test knowledge of aids-to-navigation, navigation rules, boating at night, and other subjects.

14. Testing questions will be grouped into the number of categories requested or approved by the Commission. Each category will be defined by the Commission in terms of the category description and the number of questions from that category that should appear on each randomly-generated pretest or examination.

15. Each occurrence of the pretest or certification examinations will be generated individually and uniquely for every student. The questions on each pretest or examination will be chosen randomly from each of the defined categories according to the number of questions specified for that category included in NASBLA Education Standard 9.2: Test Standard 3 to ensure that each important topic is tested. The course certification exami-

nation process and design will not provide for or promote the use of reference materials during the examination process.

16. The pool of examination questions and associated graphics, the number and description of categories, the number of questions per category and the total number of questions on the pretest and certification examination will be changed at any time upon request of the Commission.

17. The pretest and certification examinations will be graded automatically and the student given their score online.

18. A test critique will be generated and presented to the student each time a chapter/lesson review exercise, pretest or certification examination is completed.

19. Students completing the pretest will be presented with only the topics (categories) of questions for which they gave incorrect answers. The pretest will not show students specifically which questions they missed.

20. Students completing the certification examination will be presented with the questions, the correct answers for those questions, explanations of the correct answers, and hyperlinks back to the relevant course material where those questions are covered.

21. The passing grade for the final examination will be 80%.

### **Certification**

1. The course certification examination registration process will contain Commission defined personal data fields to be collected from student applicants.

2. The online registration process will validate the data fields to ensure data integrity.

3. The registration process will check that all required data fields have been supplied by the student, and the process will allow data for fields such as hair color or race to be selected from a Commission-specified list of allowed values.

4. Students passing the course certification examination with a minimum grade of 80% will be issued a temporary boating safety education certificate. Provider will not allow the downloading of the form to the student's computer in a form that can be edited by the recipient. This will be accomplished by a locked PDF file or other secure method. The provider will arrange for resolution of any printing problems and provide for the mailing of the original or duplicate temporary certificate. The temporary boating safety education certificate will display a code (character string) that is tied uniquely to that student's personal data, so that the Commission can decode it easily to determine if the temporary certificate was generated fraudulently.

5. The temporary boating safety certificate expires 60 days after the date of issue. The temporary boating safety certificate used by the provider must be approved by the Commission and will contain the following information: date of issue, date of expiration, name and address, type of course, hair color, eye color, sex, date of birth, NASBLA approval, electronic signature of instructor and date, signature of student and date, instructions on how to obtain a permanent boating safety education certificate at a later date.

**Exhibit A****Internet course promotion and advertising**

1. All promotion of the Internet course will be done ethically and honestly and will not mislead the public in any way. Promotions will not include contests or give-away promotions. Course provider will not advertise the Internet course from within other web sites where the other web sites are designed in a way that misleads the public.

2. Course provider will not collect names or e-mail addresses of other potential students from the online students. Any direct solicitation of potential students via e-mail, mail or telephone will be approved in advance in writing by the Commission.

3. Course provider will not provide an advertisement or link to another web site from within the Internet course unless approved in advance in writing by the Commission.

**General Course Provider Tasks and Qualifications**

The course provider will:

1. Employ sufficient staff to develop, maintain, operate and manage the course.

2. Secure an Internet Domain (URL address) to host the course and publish the course on the Internet.

3. Issue temporary boating safety education certificates approved by the Commission to students successfully completing the Internet course.

4. Generate any reports on the student data and financial transactions that are requested by the Commission including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

5. Handle the purchase of the Commission boating safety education certificates by successful students as part of the course certification process and transfer the associated fees and certificate-purchaser data to the Commission, electronically or in any agreed upon format by the course provider and the Commission, on at least a monthly basis.

6. Pay the Commission's fees by check or electronic fund transfer.

7. Update the Internet course to reflect changes in Federal or State regulations or laws and make any other changes or corrections to the Internet course that are requested by the Commission at any time.

8. Provide an email link that allows users to contact the course provider and respond to all inquiries within 48 hours. (Automated responses merely stating that the user's e-mail has been received will not satisfy this requirement.)

9. Respond to the Commission queries promptly.

10. Provide daily (including weekend) service for the Internet course.

11. Answer all technical questions related to using the Internet course, and also any questions related to boating safety, laws, and the like, that can be answered from the course material.

12. Forward any questions that cannot be answered with confidence to a designated Commission contact.

13. Maintain a complete backup of the student data for a period of 5 years and make available to the Commission, upon request, a complete copy of the digital files of the student data.

14. Provide a bond in the amount of \$20,000 in the form approved by the Commission to indemnify the Commission against any loss or damage of monies that course provider collects on behalf of the Commission (for example, fees collected for purchases of the Commission-required boating safety education certificates) upon execution of the agreement between the course provider and the Commission.

15. Collect all student data fields required by the Commission.

16. Adhere strictly to a privacy policy that ensures that student data will not be transferred to any party other than the Commission and will not be used by course provider for any purpose except to issue students' certification cards. In the event course provider fails to adhere to this privacy policy, course provider agrees to pay the Commission the sum of \$100 for each name or other piece of student data transferred or used in violation hereof. The course provider will state this privacy policy clearly on its web page that is accessible from every web page in the Internet course material and examination.

**Adherence to Payment Card Industry Security Standards**

Course provider will obtain and maintain certification by the Payment Card Industry (PCI) to ensure course provider's secure handling of students' credit card data. Course provider will provide the Commission with a copy of the PCI certification upon request. The PCI audits will cover course provider's web server, data management system and associated networks. Additionally, course provider will meet those same payment card security standards with respect to course provider's handling of students' personal data. Detailed requirements are found in the document titled "Payment Card Industry (PCI) Data Security Standard" and can be downloaded from [www.pcisecuritystandards.org](http://www.pcisecuritystandards.org).

**Course Fees**

Course providers may charge users a reasonable fee not to exceed \$35 to take the Internet course and online certification examination.

**Boating Safety Education Certification Fee**

Students who take the Internet boating safety education course will be given the option by the course provider of paying the \$10 fee required to obtain Pennsylvania boating safety education certification as follows:

1. The course provider will establish and administrative procedure to allow students to purchase a Pennsylvania boating safety education certificate as part of the Internet course certification process.

2. The course provider will collect the \$10 fee from the student in addition to the charge (if any) for the Internet boating education course examination.

3. The course provider will provide instruction to students who choose to not pay the \$10 fee at the time of passing the online examination on how to obtain a permanent boating safety education certificate at a later date. The instructions will appear on the notes displayed on the temporary certification card and on the instructions page for the online examination.

**Administrative Fee to the Commission**

The course providers will pay the Commission an administrative fee of \$5 for each boating safety education certification examination.



### Transfer of Data, Fees and Reports

The course provider will:

1. Pay all certification fees and administrative fees by check or electronic fund transfer on a monthly basis or other term as required by the Commission.
2. Transfer student data to the Commission digitally and securely in the form and format established by the Commission.
3. Generate any reports on the student data and financial transactions that are requested by the Commission including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

### Criteria for Correspondence Boating Safety Education Courses

The Commission will use the following criteria to approve correspondence boating safety education courses. The Commission will only issue Pennsylvania Boating Safety Education Certificates to Commonwealth residents who have successfully completed an approved course.

#### Overview

1. The correspondence boating education course is a video and/or DVD-based course that allows students to study boating and boating safety and take a certification examination at home.
2. The correspondence course includes:
  - A printed or digital boater education student manual.
  - A boater education video and/or DVD.
  - A certification examination to take at home, or at any remote location, or online.

#### Providers

Approved correspondence courses shall be offered by providers that meet the requirements of the Commission. Individuals or organizations that desire to provide a correspondence course that is approved for Pennsylvania boaters shall be willing to enter into an agreement with the Commission containing the Commonwealth's standard terms and conditions and the additional terms set forth in Exhibit A. Prior to entering into an agreement with the Commission, providers shall submit a request in writing to the Commission's Director of Boating and Access or designee, and shall demonstrate to the Commission's satisfaction that the provider is capable of performing its obligations under the agreement. Providers shall demonstrate their capability by submitting the following documentation along with their request to the Commission:

1. A description of the provider and its capabilities including a description of type and number of staff and their responsibilities.
2. Proof of ability to manage certification data securely and digitally. This will be demonstrated by providing either:
  - An existing computer-based database management system designed to manage certification data, or
  - Detailed specifications and a project plan to deliver a computer-based system.
3. Copies of certification by the Payment Card Industry (PCI) to demonstrate provider's secure handling of students' credit card data.
4. Proof that provider's courses have been approved by the National Association of State Boating Law Administrators (NASBLA).

5. A sample of the completed correspondence course, the completed student manual and a sample of the completed boater education video or DVD.

#### Course Content

1. The course must be approved by NASBLA. Information on NASBLA approval is available on the NASBLA web site at [www.nasbla.org/](http://www.nasbla.org/) or by calling the NASBLA office at (859) 225-9487.
2. In addition to NASBLA requirements, course content will include:
  - A description of boating in Pennsylvania.
  - Commission regulatory responsibilities.
  - Types of boats, boat motors and boat hulls.
  - Boat terminology including, but not limited, to: hull, bow, forward, aft, stern, port, starboard, transom, keel, freeboard, draft, beam, gunwale, bilge, waterline.
  - Long distance communication on the water.
  - Boat handling.
  - Process for passage through river locks.

#### Student Manual

##### Overview

The digital and/or printed student manual will be a four-color student text, tailored to the Commonwealth of Pennsylvania, covering all of the Pennsylvania State-specific boating laws and regulations, navigational rules and aids, risk management, and responsibilities of boat operators. Course provider will:

1. Write all text used in the student manual.
2. Provide all graphics used in the student manual.
3. Procure any photographs needed for the student manual.
4. Design the cover and page layout of the student manual.
5. Make any and all revisions requested by the Commission to any State-specific pages of the student manual.
6. Provide a complete color proof of the student manual to the Commission for approval prior to distribution.
7. Update the student manual to reflect changes in Pennsylvania laws and information as requested by the Commission with each subsequent edition.

##### Text quality and content

1. Text will be written in a clear, reader-friendly and consistent style.
2. Boating terms will be defined.
3. The student manual will have additional pages available for Pennsylvania-specific information, which may include a quick reference chart of Pennsylvania-specific required equipment, an in-manual certification examination (see "certification examination"), an examination response form, or any other information desired by the Commission. The Pennsylvania-specific information may be contained in a separate publication.
4. The student manual will include chapter review exercises to aid students in retention of the material.

##### Graphics quality

1. The student manual will contain graphics to illustrate important information. All graphics will be full-color and realistic.

2. The student manual will, in addition, contain photographs to illustrate important information. All photographs will be high-resolution color photographs.

3. All graphics and photographs illustrating persons in boats will show the persons properly wearing United States Coast Guard approved PFDs, unless the graphic or photograph is marked clearly as a prohibited situation.

#### **Cover design and page layout quality**

1. The student manual cover will be designed to give an attractive, and contemporary look.

2. Layout of the student manual's text pages will be consistent throughout and have an attractive, easy-to-read and contemporary look.

#### **Video and/or DVD**

##### **Overview**

1. The video and/or DVD must be a companion to the student manual. It must be available in VHS or DVD formats. The boater education video and/or DVD must contain up-to-date legal requirements, be at least 60-minutes in length and closed-captioned. It will cover, at a minimum, Federal boating laws, required equipment, navigational rules and aids, and how to handle boating emergencies. The boater education video and/or DVD will follow the chapters in the student manual.

##### **Video quality**

1. Video will be contemporary and professionally presented.

2. Audio and video tracks on the boater education video will be of good quality.

3. Video will be produced with professional equipment.

4. DVD version will have a menu allowing play of each chapter.

##### **Certification Examination**

1. The correspondence course will include a comprehensive certification examination written to NASBLA Education Standard 9.

2. Correspondence course will include at least one examination response form.

3. Correspondence course will be designed to meet NASBLA requirements for examination security.

4. Course provider will provide grading of the certification examination and notify students of their scores.

##### **Certification**

1. The correspondence course registration process will contain Commission defined personal data fields to be collected from student applicants.

2. The registration process will check that all required data fields have been supplied by the student, and the process will allow data for fields such as hair color or race to be selected from a Commission-specified list of allowed values.

3. Students passing the course certification examination with a minimum grade of 80% will be issued a temporary boating safety education certificate. The temporary boating safety certificate expires 60 days after the date of issue. The temporary boating safety certificate used by the provider must be approved by the Commission and will contain the following information: date of issue, date of expiration, name and address, type of course, hair color, eye color, sex, date of birth, NASBLA approval, signature of instructor and date, a student

signature and date section, instructions on how to obtain a permanent boating safety education certificate at a later date.

#### **Exhibit A**

##### **Correspondence course promotion and advertising**

1. All promotion of the correspondence course will be done ethically and honestly and will not mislead the public in any way. Promotions will not include contests or give-away promotions.

##### **General Course Provider Tasks and Qualifications**

The course provider will:

1. Employ sufficient staff to develop, maintain, operate and manage the course.

2. Issue temporary boating safety education certificates approved by the Commission to students successfully completing the correspondence course.

3. Generate any reports on the student data and financial transactions that are requested by the Commission including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

4. Handle the purchase of the Commission boating safety education certificates by successful students as part of the correspondence course certification process and transfer the associated fees and certificate-purchaser data to the Commission, electronically or in any agreed upon format by the course provider and the Commission, on at least a monthly basis.

5. Pay the Commission fees by check or electronic fund transfer.

6. Provide an e-mail address that allows users to contact the course provider and respond to all inquiries within 48 hours. (Automated responses merely stating that the user's e-mail has been received will not satisfy this requirement.)

7. Respond to the Commission queries promptly.

8. Answer all technical questions related to using the correspondence course, and also any questions related to boating safety, laws or other information that can be answered from the course material.

9. Forward any questions that cannot be answered with confidence to a designated Commission contact.

10. Maintain a complete backup of the student data for a period of 5 years and make available to the Commission, upon request, a complete copy of the digital files of the student data.

11. Provide a bond in the amount of \$20,000 in the form specified by the Commission to indemnify the Commission against any loss or damage of monies that course provider collects on behalf of the Commission (for example, fees collected for purchases of the Commission-required boating safety education certificates) upon execution of the agreement between the course provider and the Commission.

12. Collect all student data fields required by the Commission.

13. Adhere strictly to a privacy policy that ensures that student data will not be transferred to any party other than the Commission and will not be used by course provider for any purpose except to issue students' certification cards. In the event course provider fails to adhere to this privacy policy, course provider agrees to pay the

Commission the sum of \$100 for each name or other piece of student data transferred or used in violation hereof. The course provider will state this privacy policy clearly in the correspondence course material.

### **Transfer of Data, Fees and Reports**

The course provider will:

1. Pay all certification fees and administrative fees by check or electronic fund transfer on a monthly basis or other term as required by the Commission.
2. Transfer student data to the Commission digitally and securely in the form and format established by the Commission.
3. Generate any reports on the student data and financial transactions that are requested by the Commission including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

### **Course Ordering and Fulfillment**

The course provider will:

1. Fulfill orders of the correspondence course and mail them to purchasers within 5 business days of receipt of an order.
2. Provide a toll-free telephone service for the public to order the correspondence course.
3. Set up the correspondence course registration process to collect the student data fields requested by the Commission.

### **Adherence to Payment Card Industry Security Standards**

Course provider will obtain and maintain certification by the Payment Card Industry (PCI) to ensure course provider's secure handling of students' credit card data. Course provider will provide the Commission with a copy of the PCI certification upon request. The PCI audits will cover course provider's web server, data management system, and associated networks. Additionally, course provider will meet those same payment card security standards with respect to course provider's handling of students' personal data. Detailed requirements are found in the document titled "Payment Card Industry (PCI) Data Security Standard" and can be downloaded from [www.pcisecuritystandards.org](http://www.pcisecuritystandards.org).

### **Course Fees**

Course provider may charge users a fee not to exceed \$50 (not including shipping and handling) for the correspondence course materials and to take the first certification examination. Additional examination fees for correspondence course with more than one examination may not exceed \$10 per examination.

### **Boating Safety Education Certification Fee**

Students who take the correspondence course must be given the option by the course provider of paying the \$10 fee required to obtain Pennsylvania boating safety education certification as follows:

1. Some students who purchase the correspondence course may choose to never send in their certification examination, and therefore, the \$10 fee cannot be collected at the time of purchase. However, the fee can be collected at the time the student mails in his/her certification examination for grading to the course provider.

2. The course provider will allow students to pay the Commission's boating safety education certification fee by indicating this on the examination response form. The student, at his/her option, may pay the \$10 fee to the course provider for the boating safety education certificate, in addition to the existing (if any) examination processing fee. The course provider will process the \$10 fee as follows:

- If the student passes the examination, the course provider will transfer the \$10 fee to the Commission on a monthly basis.
- If the student fails his/her first or second examination, the course provider will send the student a failure notice and a new examination response form, which the student may return at no additional charge (if applicable). The course provider will hold the \$10 fee awaiting the next attempt. If the student passes on his/her next try, the course provider will transfer the \$10 fee to the Commission.
- If the student fails his/her third attempt at the examination, the course provider will send the student a final failure notice and refund the \$10 fee to the student.

### **Administrative Fee to the Commission**

The course providers will pay the Commission an administrative fee of \$5 for each correspondence course certification examination submitted by a student to the course provider.

### **Criteria for Classroom Boating Safety Education Courses**

The Commission will use the following criteria to approve classroom boating safety education courses. The Commission will only issue Pennsylvania Boating Safety Education Certificates to Commonwealth residents who have successfully completed an approved course.

### **Overview**

The boating education classroom course (classroom course) is an instructor-based course that allows students to study boating and boating safety and take a certification examination. The classroom course will consist of a complete educational curriculum covering the basics of boating safety, regulations and accepted best practices. The course will be presented in lesson format with in-depth coverage of the various topics listed in following sections. The classroom course is supported by a video and/or DVD and is taught by one or more instructors to one or more students. Once instruction of the course is complete, students take a proctored certification examination in a classroom environment.

The classroom course includes:

1. A lesson plan for instructors.
2. A printed boating education student manual.
3. Boating education videos or DVDs that support the lecture parts of the course.
4. A proctored certification examination to take at the course location or at another monitored location.

### **Providers**

Approved classroom courses shall be offered by providers that meet the requirements of the Commission. Individuals or organizations that desire to provide a classroom course that is approved for Pennsylvania boaters shall be willing to enter into an agreement with the Commission containing the Commonwealth's standard terms and conditions and the additional terms set forth in

Exhibit A. This does not apply to the United States Coast Guard Auxiliary or to the United States Power Squadrons who are excluded from this requirement. Prior to entering into an agreement with the Commission, providers shall submit a request in writing to the Commission's Director of Boating and Access or designee and shall demonstrate to the Commission's satisfaction that the provider is capable of performing its obligations under the agreement. Providers shall demonstrate their capability by submitting the following documentation along with their request to the Commission:

1. A description of the company and its capabilities including a description of type and number of staff and their responsibilities.
2. Proof that its courses have been approved by the National Association of State Boating Law Administrators (NASBLA).
3. The web address (if any) for their classroom course.
4. A complete copy of the lesson plan, including the certification examination for teaching the classroom course.
5. A sample of the video/DVD or PowerPoint presentation used to support the course.
6. A sample of the student manual or textbook used to teach the course.

#### **Course Content**

1. The course must be approved by NASBLA. Information on NASBLA approval is available on the NASBLA web site at [www.nasbla.org/](http://www.nasbla.org/) or by calling the NASBLA office at (859) 225-9487.
2. In addition to NASBLA requirements, course content will include:
  - A description of boating in Pennsylvania.
  - Commission regulatory responsibilities.
  - Types of boats, boat motors and boat hulls.
  - Boat terminology including, but not limited, to: hull, bow, forward, aft, stern, port, starboard, transom, keel, freeboard, draft, beam, gunwale, bilge, waterline.
  - Long distance communication on the water.
  - Boat handling.
  - Process for passage through river locks.

#### **Student Manual**

##### **Overview**

The printed student manual will be a four-color student text, tailored to the Commonwealth of Pennsylvania, covering all of the Pennsylvania State-specific boating laws and regulations, navigational rules and aids, risk management, and responsibilities of boat operators. Pennsylvania state-specific information may, as an option, be provided in a separate text such as the *PA Boating Handbook*.

Course provider will:

1. Write all text used in the student manual.
2. Provide all graphics used in the student manual.
3. Procure any photographs needed for the student manual.
4. Design the cover and page layout of the student manual.

5. Make any and all revisions requested by the Commission to any State-specific pages (if applicable) of the student manual.

6. Provide a complete color proof of the student manual to the Commission for approval prior to teaching the classroom course.

7. Update the student manual to reflect changes in Federal and Pennsylvania laws and information.

#### **Text quality and content**

1. Text will be written in a clear, reader-friendly and consistent style.
2. Boating terms will be defined.
3. The student manual will include chapter review exercises to aid students in retention of the material.

#### **Graphics quality**

1. The student manual will contain graphics to illustrate important information. All graphics will be full-color and realistic.
2. The student manual will, in addition, contain photographs to illustrate important information. All photographs will be high-resolution color photographs showing only current model boats.
3. All graphics and photographs illustrating persons in boats will show the persons properly wearing United States Coast Guard approved PFDs, unless the graphic or photograph is marked clearly as a prohibited situation.

#### **Page layout quality**

Layout of the student manual's text pages will be consistent throughout and have an attractive, easy-to-read, and contemporary look.

#### **Boating Education Video and/or DVD**

##### **Overview**

The boating education video and/or DVD must support the information being taught in the classroom course and may not conflict with the information being taught by the course instructors from the lesson plan, or the content of the student manual.

##### **Video quality**

1. Will be contemporary and professionally presented.
2. Audio and video tracks on the boater education video will be of good quality.

##### **Certification Examination**

1. The classroom course will include a comprehensive certification examination written to NASBLA Education Standard 9. The Commission may choose 10 State-specific questions from the pool of at least 20 questions developed by course provider and written to NASBLA Education Standard 9.

2. Classroom course examination will be designed to meet NASBLA requirements for examination security.

3. Course provider will provide grading of the certification examination and notify students of their scores.

4. All answers to the examination will be written on the Application for Boating Safety Certificate (available on written request from the Commission).

5. Students with reading problems may have the test read to them at their request. This option should be explained well in advance of starting the testing procedure to allow for preparation.

6. The classroom course provider is responsible for maintaining the integrity of the certification examination. The course provider must take special care to prevent examination fraud or cheating.

7. Upon completion of the exam, each student's Application for Boating Safety Certificate is collected and graded by the course provider. Students are advised by the instructor of their grade.

#### **Application for Boating Safety Education Certification**

1. After grading the answer sheet part of the application, the course provider prints their name, instructor number (assigned by the Commission in Harrisburg), signs each sheet of the application form and returns the application to the students. The course provider must not allow the student to retain the completed answer sheet of the application form or any blank Application for Boating Safety Education Certificate forms.

2. The course provider is responsible to make certain that Applications for Boating Safety Certificate forms are properly completed and legible before students submit them by means of mail to the Commission using the provided envelope. Course providers should never collect the certificate fee from the student.

3. Students should be advised to mail the completed applications immediately after the completion of the course to avoid a delay in receiving their certificates.

4. The applications are data entered at the Commission in Harrisburg. Students will receive a Boating Safety Education Certificate in the mail (within 30 days after receipt in Harrisburg).

5. Students passing the course certification examination with a minimum grade of 80% may be issued a temporary boating safety education certificate (available on written request from the Commission) by the course provider.

6. The temporary boating safety certificate expires 60 days after the date of issue. The temporary boating safety certificate used by the provider must be approved by the Commission and will contain the following information: date of issue, date of expiration, name and address, type of course, hair color, eye color, sex, date of birth, NASBLA approval, signature of instructor and date, signature of student and date, instructions on how to obtain a permanent boating safety education certificate at a later date.

#### **Boating Education Course Summary Sheet**

1. Classroom courses must be documented to the Commission using a boating education course summary sheet form (available on written request from the Commission). Both sides (A and B) must be completed by the course provider.

2. At the completion of the course, the summary sheet must be mailed by the course provider to the Commission in Harrisburg. The summary sheet documents the course to the Commission and is used to cross-reference applications received by students.

3. The answer sheet part of the Application for Boating Safety Education Certification is not mailed to the Commission. It is to be retained as part of the course provider's record and must not be returned to the student.

4. The instructor number for the course provider must be listed.

5. Student names must be listed in the spaces provided on the back of the form. Additional copies of the form may be used for large classes.

#### **Exhibit A**

#### **Classroom Course Promotion and Advertising**

All promotion of the classroom course will be done ethically and honestly and will not mislead the public in any way.

#### **General Course Provider Tasks and Qualifications**

The course provider will:

1. Be responsible for the ethical conduct of the classroom course instructors.

2. Be responsible for all development required for the classroom course.

3. Update the classroom course to reflect changes in Federal or State boating regulations or laws.

4. Issue temporary boating safety education certificates approved by the Commission to students successfully completing the classroom course.

5. Respond to the Commission and public queries promptly.

6. Answer all technical questions related to using the classroom course, and any questions related to boating safety, laws, or other information that can be answered from the course material.

7. Forward any questions that cannot be answered with confidence to a designated Commission contact.

8. Document to the Commission using a boating education course summary sheet form.

#### **Course Fees**

Course providers may charge users a reasonable fee (not to exceed \$60) to take the classroom course.

[Pa.B. Doc. No. 08-688. Filed for public inspection April 11, 2008, 9:00 a.m.]

## **HEALTH CARE COST CONTAINMENT COUNCIL**

### **Request for Proposal**

The Health Care Cost Containment Council (Council), an independent State agency that collects, analyzes and disseminates health care cost and quality-related information, seeks to obtain legal services on a retainer basis. Interested parties are requested to contact the Council Office by writing the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or Cherie Elias at (717) 232-6787, [celias@phc4.org](mailto:celias@phc4.org) for copies of the Request for Proposal. Proposals are due to the Council office no later than 5 p.m. on May 14, 2008. The Council will make the award at the public Council meeting on July 3, 2008, at 10 a.m. at the Council office.

DAVID WILDERMAN,  
*Acting Executive Director*

[Pa.B. Doc. No. 08-689. Filed for public inspection April 11, 2008, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
31-11	State Employees' Retirement Board Death Benefits 38 Pa.B. 612 (February 2, 2008)	3/3/08	4/2/08
31-9	State Employees' Retirement Board Electronic Submission of Documents and Electronic Transactions 38 Pa.B. 614 (February 2, 2008)	3/3/08	4/2/08

### State Employees' Retirement Board Regulation #31-11 (IRRC #2668)

#### Death Benefits

April 2, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the February 2, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Employees' Retirement Board (Board) to respond to all comments received from us or any other source.

#### § 247.7. Death benefits.—Clarity.

The Board is adding Subsection (c) to provide additional guidance on what must be contained on the Board's nomination of beneficiary form. The new language does not create a binding requirement because all provisions include the word "should." The term "should" is nonregulatory language which indicates that the provisions are optional. It is inappropriate to include optional provisions in a regulation. If the Board wants the new language to be binding, the word "should" must be changed to "shall." If the new language is intended to be a recommendation and not a requirement, the Board should withdraw the regulation and place the language in a policy statement or guidance document.

### State Employees' Retirement Board Regulation #31-9 (IRRC #2670)

#### Electronic Submission of Documents and Electronic Transactions

April 2, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the

February 2, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Employees' Retirement Board (Board) to respond to all comments received from us or any other source.

#### 1. General.—Need; Reasonableness.

Through this proposed regulation, the Board intends to allow members to submit documents or conduct benefit transactions using electronic media. However, the Electronic Transactions Act already provides governmental agencies, including the Board, the latitude to decide whether or not to accept electronic records. (73 P. S. § 2260.502). Therefore, we question the need for this regulation and recommend that it be withdrawn.

Further, the purpose of a regulation is to set forth language that guides the regulated community in complying with existing statutes. Therefore, if the Board intends to promulgate a regulation pertaining to the electronic filing of documents, the requirements of such filings should be included in the regulation. To give the regulated community the opportunity to provide input on these provisions, as required by the Regulatory Review Act (71 P. S. §§ 745.1 et seq.), the Board should propose a new regulation that includes the specific requirements for electronic filing.

#### 2. § 241.2. Electronic submission of documents and electronic transactions.—Clarity.

The language in this proposed regulation uses the terms "System" and "SERS" interchangeably. For clarity, the Board should use one term consistently throughout the regulation.

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 08-690. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from the Commission's web site, [www.irc.state.pa.us](http://www.irc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
16A-4813	State Board of Funeral Directors Forms Review	3/31/08	5/15/08
16A-5128	State Board of Nursing Continuing Education Fee for Certified Registered Nurse Practitioners	3/31/08	5/15/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-691. Filed for public inspection April 11, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for Plan Approval of a Mutual-to-Stock Conversion

Lebanon Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company, has submitted a Plan of Mutual-to-Stock Conversion, whereby it proposes to convert from a mutual insurance company to an insurer organized as a stock company. The initial filing was made under requirements set forth under the Insurance Company Mutual-to-Stock Conversion Act (40 P.S. §§ 911-A—929-A).

Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving of this conversion is invited to submit a written statement to the Department within 60 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the author, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-692. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Sudha Babra, M. D.; Prehearing

#### Appeal of Sudha Babra, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910); Doc. No. MM08-03-031

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 23, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 13, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 14, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 10, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 30, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 7, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-693. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Yvonne H. Chia, M. D.; Prehearing

#### Appeal of Yvonne H. Chia, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910); Doc. No. MM08-03-035

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 24, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 12, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 15, 2008, at 1 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 15, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 8, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-694. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **Genesis Medical Associates, Inc.; Prehearing**

**Appeal of Genesis Medical Associates, Inc.  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-034**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 24, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 12, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 15, 2008, at 1:15 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 15, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 8, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-695. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **Genesis Medical Associates, Inc.; Prehearing**

**Appeal of Genesis Medical Associates, Inc.  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-029**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 16, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 12, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 7, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 16, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 23, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 30, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-696. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **Golden Living Center—Shippenville; Prehearing**

**Appeal of Golden Living Center—Shippenville  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-032**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 22, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 1, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 13, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the



Hearings Administrator on or before April 9, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 29, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 6, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-697. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Kurt M. Heil, M. D.; Prehearing

**Appeal of Kurt M. Heil, M. D.  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-036**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 24, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 12, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 15, 2008, at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 15, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 8, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-698. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Robert H. Potter, Jr., M. D.; Prehearing

**Appeal of Robert H. Potter, Jr., M. D.  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-037**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 24, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 12, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 15, 2008, at 1:45 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 15, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 8, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-699. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Warren S. Smith, M. D.; Prehearing

**Appeal of Warren S. Smith, M. D.  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-030**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 24, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 27, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 15, 2008, at 2:15 p.m. Each party shall provide a telephone number to be used for the telephone conference to the

Hearings Administrator on or before April 15, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 8, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-700. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Warren S. Smith, M. D.; Prehearing

**Appeal of Warren S. Smith, M. D.  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-038**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 24, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 27, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 15, 2008, at 2:15 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 15, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 8, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-701. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Shang-Chi Wang, M. D.; Prehearing

**Appeal of Shang-Chi Wang, M. D.  
under the Medical Care Availability and  
Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-03-033**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before April 22, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 22, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 13, 2008, at 1 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 9, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 29, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 6, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-702. Filed for public inspection April 11, 2008, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Philadelphia County, Wine & Spirits Shoppe #9117, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of Main and Gay Streets in Philadelphia.

*Proposals due:* May 2, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9670

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 08-703. Filed for public inspection April 11, 2008, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Default Order

Public Meeting held  
March 27, 2008

*Commissioners Present:* Wendell F. Holland, Chairperson;  
James H. Cawley, Vice Chairperson; Tyrone J. Christy;  
Kim Pizzigrilli

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. New Rochelle Telephone Corp.  
C-20077900; A-311228; A-311228F0002*

## Default Order

On June 29, 2007, the Law Bureau Prosecutory Staff ("Prosecutory Staff") filed a formal complaint against New Rochelle Telephone Corp. ("New Rochelle" or "Respondent") at Docket No. C-20077900. Respondent was issued a Certificate of Public Convenience by the Commission on July 12, 2003 at Docket Nos. A-311228 and A-311228F0002 to provide, respectively, local and long distance telecommunications services in the Commonwealth of Pennsylvania. Respondent provides services to approximately 1,650 customers in 16 counties.

In the complaint, Prosecutory Staff alleged that Respondent failed to comply with the Commission's annual reporting requirements pursuant to 52 Pa. Code § 64.201, failed to pay its monthly Universal Service Fund ("USF") assessments pursuant to 52 Pa. Code §§ 63.161—63.171 and 66 Pa.C.S. §§ 3001—3009, and violated 52 Pa. Code § 64.153(b)(1) by failing to respond within 30 days to 32 informal complaints that were filed with the Bureau of Consumer Services from January 1, 2004 up to and including May 6, 2006. The complaint requested that the Commission order Respondent to file its § 64.201 local exchange carrier ("LEC") annual report for 2006, and pay its outstanding USF assessment total of \$6,957.54 plus late fees. Furthermore, the Complaint also requested that the Commission impose a civil penalty of \$1,000 for each violation alleged and for each day's continuance of such violation, and/or cancel the New Rochelle's certificate of public convenience.

On October 4, 2007, the Commission entered a default order sustaining the complaint and ordering New Rochelle to file its LEC annual report for 2006, pay its outstanding USF assessment total of \$16,234.26 plus late fees, agree to comply with § 64.153(b)(1) by responding to all informal complaints within 30 days and pay a civil penalty of \$32,000 for the violations alleged in the complaint.

Since the issuance of the default order, Respondent has filed its LEC annual report for 2006. In addition, Respondent also paid a substantial amount of its outstanding USF assessment totaling \$12,215.11. However, \$4,019.15 of the USF assessment plus late fees is still outstanding. Moreover, Respondent failed to pay the civil penalty of \$32,000 for the violations established herein.

Again, New Rochelle's failure to pay the civil penalty of \$32,000 or formally seek rescission of the order is unacceptable and will not be tolerated. We indicated in the first default order that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301.

Based on Respondent's failure to pay \$1,000 for each of the 32 violations of § 64.153(b)(1), or file any responsive pleading, the Commission shall seek cancellation of Respondent's certificate of public convenience,<sup>1</sup> *Therefore,*

### *It Is Ordered That:*

1. Respondent is hereby required to pay its outstanding Universal Service Fund assessment total of \$4,019.15 plus late fees, and agree to comply with § 64.153(b)(1) by responding to all informal complaints within 30 days, and pay a civil penalty of \$32,000 for the violations established in the order entered October 4, 2007 at this docket.

2. The Secretary serve a copy of this default order upon the Respondent, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this default order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Respondent shall immediately cease acquiring any new customers and, within 10 days of the entry date of this order, shall provide a written notice to its existing customers informing them that the Commission intends to cancel its certificate of public convenience absent the filing of any adverse public comments within the 20-day time period set forth in Ordering Paragraph No. 2.

4. The Respondent shall file an abandonment plan as established in our Local Service Provider Abandonment Process regulations at 52 Pa. Code § 63.306, absent the filing of any adverse public comments within the 20-day time period set forth in Ordering Paragraph No. 2.

5. This default order shall become final without further order of this Commission and the certificates of public convenience held by New Rochelle Telephone Corp. at A-311228 and A-311228F0002 shall be cancelled, and the Company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services, absent the filing of a written response by the Respondent within the 20-day comment period as set forth in Ordering Paragraph No. 2.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-704. Filed for public inspection April 11, 2008, 9:00 a.m.]

## Finding of Necessity

**A-2008-2033601. PECO Energy Company.** Application of PECO Energy Company for a Finding of Necessity, under section 619 of the Pennsylvania Municipalities Planning Code (53 P. S. § 10619), for the situation of one building on a site containing approximately 10 acres, located near the intersection of Wentz Church and Fisher Roads in Worcester Township, Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

<sup>1</sup> Cancellation of the Respondent's certificates shall occur 55 days after publication in the *Pennsylvania Bulletin*. This period of time covers the 20 day comment period and contemplates the filing of an abandonment plan 35 days in advance of abandoning services pursuant to § 63.306(b), on day 20, and assuming no meritorious response is filed.

applicant, on or before April 28, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Peco Energy Company

*Through and By Counsel:* Ward L. Smith, Esquire, Exelon Business Services Company, 2301 Market Street/S23-1, Philadelphia, PA 19101-8699

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-705. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 28, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as common carriers* for transportation of persons as described under the application.**

**A-2008-2025521. Jerry M. and Margaret E. Allen** (566 Bowser Road, Blairsville, Indiana County, PA 15717), to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Brush Valley Township, Indiana County, to points in Pennsylvania, and return.

**Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights* as described under the application.**

**A-2008-2029569. Crown Limousine, Inc.** (15 Joshua Drive, Richboro, Bucks County, PA 18954)—a corporation of the Commonwealth, for the transfer of all of the operating rights of Crown Royal Limousine and Transportation, Inc., A-00120859, subject to the same limitations and conditions. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**Application of the following for the approval of the *transfer of stock* as described under the application.**

**A-00109011, F.5000. Armen Limousine Corporation** (12524 Torrey Avenue, Philadelphia, Philadelphia County, PA 19154)—a corporation of the Commonwealth, for the

approval of the transfer of 100 shares of issued and outstanding shares held by Armen Carapetian to Michael Schmidt.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-706. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Telecommunications

**A-2008-2032619. Verizon North, Inc. and Bandwidth.com CLEC, LLC.** Joint petition of Verizon North, Inc. and Bandwidth.com CLEC, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Bandwidth.com CLEC, LLC, by its counsel, filed on March 24, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Bandwidth.com CLEC, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-707. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Telecommunications

**A-2008-2032337. Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, LLC, by its counsel, filed on March 21, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-708. Filed for public inspection April 11, 2008, 9:00 a.m.]

### Transfer by Sale

**A-2008-2034045 and A-2008-2034047. UGI Utilities, Inc. and PPL Gas Utilities Corporation.** Application of UGI Utilities, Inc. and PPL Gas Utilities Corporation for approval of the Transfer by Sale of 100% of the Issued and Outstanding Stock of PPL Gas Utilities Corporation to UGI Utilities, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 22, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* UGI Utilities, Inc. and PPL Gas Utilities Corporation

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Kevin J. McKeon, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17101

John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-709. Filed for public inspection April 11, 2008, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bid; Cancelled

The Philadelphia Regional Port Authority published a notice at 38 Pa.B. 1573 (March 29, 2008) seeking bids for Project No. 08-028.P, Roofing Supplies. The project has been cancelled.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 08-710. Filed for public inspection April 11, 2008, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

May 7, 2008	Alison E. Brady (Disability)	1 p.m.
May 14, 2008	Joanne M. Keglovits (Purchase of Service)	1 p.m.
July 9, 2008	Gretchen H. Nelson (Frozen Present Value)	1 p.m.
July 23, 2008	Dr. John K. Baillie (Retirement Covered Compensation)	1 p.m.
August 6, 2008	David M. Zula (Class T-D)	1 p.m.
August 20, 2008	Regina G. Marsilio (Purchase of Service)	1 p.m.
September 24, 2008	Lois B. Roney (Purchase of Service)	1 p.m.
October 8, 2008	Janice M. Segal (Waiver of Repayment)	1 p.m.

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 08-711. Filed for public inspection April 11, 2008, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

### Bureau of Professional and Occupational Affairs v. Martin Rodriguez; Doc. No. 0308-42-2008

On February 15, 2008, Martin Rodriguez, of Philadelphia, Philadelphia County, had his license suspended, based on his failure to comply with a previously issued State Board of Barber Examiners (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a

petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 08-712. Filed for public inspection April 11, 2008, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### **Bureau of Professional and Occupational Affairs v. Joy Abdul Aleem, f/k/a Freda Joy Coates; Doc. No. 0058-45-2008**

On January 9, 2008, Joy Abdul Aleem, f/k/a Freda Joy Coates, of Philadelphia, Philadelphia County, had her license suspended, based on her nonpayment of a civil penalty issued by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-713. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **Bureau of Professional and Occupational Affairs v. Pamela J. Bazzoli; Doc. No. 0060-45-2008**

On January 9, 2008, Pamela J. Bazzoli, of Kennett Square, Chester County, had her license suspended, based on her nonpayment of a civil penalty issued by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a

petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-714. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **Bureau of Professional and Occupational Affairs v. Mary McMillan Harris; Doc. No. 0315-45-2008**

On February 19, 2008, Mary McMillan Harris, of San Luis Rey, CA, had her Pennsylvania license to practice cosmetology suspended, based on her failure to comply with a previously issued State Board of Cosmetology (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-715. Filed for public inspection April 11, 2008, 9:00 a.m.]

### **Bureau of Professional and Occupational Affairs v. Jennifer Osborne, t/d/b/a Satin Touch; Doc. No. 0316-45-2008**

On February 19, 2008, Jennifer Osborne, t/d/b/a Satin Touch, of Philadelphia, Philadelphia County, had her license to practice cosmetology suspended, based on her failure to comply with a previously issued State Board of Cosmetology (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-716. Filed for public inspection April 11, 2008, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Nichole Price; Doc. No. 0319-45-2008**

On February 19, 2008, Nichole Price, of Levittown, Bucks County, had her license to practice cosmetology suspended, based on her failure to comply with a previously issued State Board of Cosmetology (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-717. Filed for public inspection April 11, 2008, 9:00 a.m.]

# STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.  
Kenneth H. Cathcart; Doc. No. 0361-60-2008**

On February 26, 2008, Kenneth H. Cathcart, of Jenkintown, Montgomery County, had his application for licensure as a vehicle salesperson provisionally denied, based on his criminal history.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of your petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 08-718. Filed for public inspection April 11, 2008, 9:00 a.m.]





